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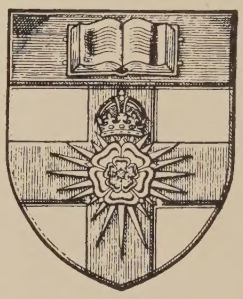

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CONTENTS.

PAGE

ADAMS, CHARLES FRANCIS
- Letters of Clement Hugh Hill and Francis Edward Parker, 1869 . . . 243
- Dana on . . . 286

ALLEN, GARDNER WELD
- The Case of Captain Penny . . . 117

Andrew, John Albion, Letter to George Baty Blake, 1865 . 393

ANNUAL MEETING
- Report of the Council . . . 249
  - Treasurer . . . 256
  - Librarian . . . 264
  - Cabinet-Keeper . . . 266
- Officers . . . 266

Australian Ballot Law . . . 401

BANKS, CHARLES EDWARD
- Thomas Morton of Merry Mount . . . 147

Blake, George Baty, Letter to John Albion Andrew, 1865 . 392

BOLTON, CHARLES KNOWLES
- Memoir of Lawrence Park . . . 137

Bonaparte's Hair . . . 130

Boston Customs District, 1768 . . . 418

Boutwell, George Sewall, to Horatio Woodman, 1862 . . . 319

Butler, Peter, Petition of, 1655 . . . 247

Chase, Salmon Portland, to Samuel Hurd Walley, 1868 . . 197

Dalton Papers . . . 243

DANA, RICHARD HENRY
- Charles Francis Adams . . . 286
- Sir William Vernon Harcourt and the Australian Ballot Law . . . 401

Davy, Sir Humphrey, to —— Bowness . . . 131

DeNormandie, James, Tribute to . . . 2

FORBES, ALLAN
- Marches and Camp Sites of the French Army in New England during the Revolutionary War . . . 267

Forbes, John Murray, Letter to Horatio Woodman, 1863 . . 391

PAGE

FORD, WORTHINGTON CHAUNCEY
A Letter of Alexander Hamilton, 1779 219
Tyndall's Map of Virginia, 1608 244
Ten Years of the Photostat 288
Photostat Americana 297
FROTHINGHAM, THOMAS GODDARD
The Military Test of the Spontaneous American Revolution 110
A Lesson from the Civil War 388
GRAY, EDWARD, Memoir of 198
GREENOUGH, CHARLES PELHAM, Memoir of 395
Hamilton, Alexander, A letter of, 1779 219
HOLLINGSWORTH, ZACHARY TAYLOR, Memoir of 459
KELLEN, WILLIAM VAIL
Tribute to Arthur Lord 377
Memoir of Zachary Taylor Hollingsworth 459
Kenyon, Sir Frederic George, Letter of 386
KINNICUTT, LINCOLN NEWTON, Memoir of 93
Lesson from the Civil War 388
LINCOLN, WALDO
Memoir of Lincoln Newton Kinnicutt 93
LODGE, HENRY CABOT
Tribute by Arthur Lord 97
John T. Morse, Jr. 99
Memoir of 324
LORD, ARTHUR
Tribute to Henry Cabot Lodge 97
by William V. Kellen 377
Mackenzie, Henry, to Andrew Strahan, 1794 92
Malcom and Writs of Assistance 5
Marches and Camp Sites of the French Army in New England during the Revolutionary War 267
Martin, Rev. John, The Remarkable Story of 201
MEMBERS, LISTS OF
Resident xii
Honorary xiv
Corresponding xiv
Changes xvi

PAGE

MINOT, JOSEPH GRAFTON
Memoir of Edward Gray 198
MORIARTY, GEORGE ANDREWS, and Mrs. ROSE-TROUP
A Letter of Israel Stoughton, 1635 446
MORSE, JOHN TORREY, JR.
Tribute to Henry Cabot Lodge 99
Morton, Thomas, of Merry Mount 147
MURDOCK, HAROLD
Letter of J. Waller on Bunker Hill, 1775 84
The Remarkable Story of the Rev. John Martin . . . 201
NICHOLS, CHARLES LEMUEL
Letter of William Pynchon, 1638 386
NORCROSS, GRENVILLE HOWLAND
Notes on Charles Francis Adams 242
OFFICERS xi
PARK, CHARLES EDWARDS
Tribute to Dr. James DeNormandie 2
PARK, LAWRENCE, Memoir of 137
Penny, John, Case of 117
Peirce, John Batchelder, to Lydia Peirce, 1850 215
Poole, Henry and Elizabeth, 1644–1650 87
Pynchon, William, Letter of, 1638 386
Quincy-Dolbeare Letters, 1765–1766 131
SCHAFF, MORRIS
General James Harrison Wilson 237
Sewall, David, to George Thatcher, 1785 194
Stoughton, Israel, Letter of, 1635 446
Sumner, Charles, to Charles Eliot Norton, 1864–1868 . . . 136
to Andrews Norton, 1846 195
to Horatio Woodman, 1861 317
Tyndall, Robert, Map of Virginia, 1608 245
Waller, J., Letter on Battle of Bunker Hill 84
Warren, Ephraim, to Henry Warren, 1677 193
WARREN, WINSLOW
Memoir of Charles Pelham Greenough 395
WASHBURN, CHARLES GRENFILL
Memoir of Henry Cabot Lodge 324
Washington, George, to Col. John Fitzgerald, 1778 317
Whately, William, to Andrew Oliver, 1774 89
Wilson, General James Harrison 237

PAGE

Winthrop Gift and Deposit 146

Wolkins, George Gregerson

Malcom and Writs of Assistance 5

The Boston Customs District, 1768 418

Woodman, Horatio, letters 317, 391

ILLUSTRATIONS.

PAGE

Henry Cabot Lodge . . . . . *Frontispiece*

Lincoln Newton Kinnicutt 93

Lawrence Park 137

Will of Thomas Morton of Merry Mount 163

Seal of Thomas Morton 169

Edward Gray 198

Robert Tyndall's Draughte of Virginia, 1608 244

Charles Pelham Greenough 395

Sample Official Ballot, 1889 411

Zachary Taylor Hollingsworth 459

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October, 1924 — September, 1925.

DEATHS.

Resident.

1876, Henry Cabot Lodge . . . . . Nov. 9, 1924.
1882, Arthur Lord . . . . . April 10, 1925.
1898, James DeNormandie . . . . . Oct. 6, 1924.
1908, Charles Pelham Greenough . . . . . Nov. 21, 1924.
1914, Zachary Taylor Hollingsworth . . . . . April 1, 1925.
1917, Lawrence Park . . . . . Sept. 28, 1924.

Corresponding.

1921, George Burton Adams . . . . . May 26, 1925.

MEMBERSHIPS CEASED.

Resident.

1910, Frederick Jackson Turner [1] . . . . . June 12, 1924.

Corresponding.

1920, Edwin Francis Gay [2] . . . . . June 12, 1924.

[1] Elected Corresponding Member.
[2] Elected Resident Member.

PROCEEDINGS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

OCTOBER MEETING, 1924.

THE Society met in the Dowse Library on Thursday, October 9, 1924, at 3 P.M., First Vice-President LORD in the chair.

The record of the June meeting was read and accepted.

The Corresponding Secretary reported that letters had been received from José Toribio Medina, of Santiago de Chile, accepting honorary membership, and from Clarence Saunders Brigham, of Worcester, accepting resident membership in the Society.

The Librarian reported the following accessions:

From the Estate of Miss Effie Ellis, records kept at Brook Farm, 1842 to 1847.

From the Misses Marion Roby and Louisa Williams Case, books and manuscripts from the Library of their late father James B. Case.

From Howard M. Chapin, of Providence, a certificate of apprenticeship given by the Massachusetts Mechanic Association, 1841.

From Arthur Hale, of Washington, D. C., Letter Books of Alexander H. Everett, official and private, 1809 to 1834.

From Orville Leonard orders, letters, and memoranda of Capt. Orville W. Leonard of the 42d Regiment, M.V.M., 1862–63.

From the Estate of David Stoddard Greenough Family papers, 1653 to 1829, including accounts of the Shute Shrimpton Yeaman's plantation at Antigua, 1775 to 1779, and account of the Estate of Elisha Doane, 1783–1807; also, by deposit, other family papers.

From the West Barnstable Congregational Church, by deposit, its first volume of Records, 1668 to 1807.

The Cabinet-Keeper reported the following accessions:

By gift: From Mrs. Kingsmill Marrs, a crayon portrait of Edward Everett by Richard Morrell Staigg (1817–1881); and a photograph of Miss Rose E. Cleveland, sister of President Cleveland.

From the Misses Marion Roby and Louisa Williams Case, a portrait of George Washington woven in France on a Jacquard loom.

From the State Street Trust Company, a colored half-tone of the Society's painting of the *Bethel,* of Boston, Isaac Freeman, Master.

From Mrs. C. W. Turner, a gold Phi Beta Kappa key worn by Charles Willard Turner, Amherst, 1865.

From the Peabody Museum, Salem, a photograph of a cross-staff, of the XVth century.

From Howard M. Chapin, a silver " Reward of Merit " given by the School Committee of Cambridge to Charles T. S. Metcalf.

Nineteen Chapter pennies from various Chapters of Royal Arch Masons, through Mr. T. Julien Silsby, of Brookline; also a badge of the Supreme Council of the Scottish Rite, 33d degree, Boston, 1894.

From the Harvard Instrumental Clubs, their charm.

From John Harleston Parker, the Harleston Parker medal in bronze, which in gold is awarded by the Mayor of Boston to stimulate the appreciation of good architecture.

From the National Academy of Sciences the Agassiz Medal in bronze of the Academy.

From Henry Cabot Lodge, the bronze medal of the International Congress on Tuberculosis, Washington, 1908.

From the Massachusetts Normal Art School, its medal designed by Cyrus Edwin Dallin.

Mr. Bolton spoke of the death of Lawrence Park of Groton and reserves his remarks for a memoir.

Dr. James DeNormandie.

Mr. Lord announced the death of Dr. DeNormandie and the Rev. Mr. Park spoke as follows:

The death of James DeNormandie, which occurred on Monday morning, October 6, removes from our community

almost the last of the older generation of ministers and public servants. Those of us who belong to a younger set, whose active work began under the friendly guidance of this older generation and who now find themselves surrounded by companions younger than themselves, are tempted to remark with a wistful sigh — The former things are passed away. All things are become new. James DeNormandie was a minister of the old school, and in many ways typified the characteristics of that school. He was gracious and gentle and yet a man of pronounced character. He was successful in his calling beyond the ordinary, and yet modest, unassuming, and wholly without ostentation. To many a younger man he has served as the model of a true minister, to be loved, admired, emulated. His life began at a period when religious convictions were stronger, in many ways, than they are now: when the fundamentals of religious belief were more taken for granted and less called into question than they are now. But this does not wholly explain the strength of his own religious life. He was by temperament and study a profoundly religious man. His personal experience of religion was something genuine and authoritative. And from the fact that two brothers were also in the ministry, one is tempted to conjecture that this trait was in his blood. At all events, it was a true and generous trait. Not only was he religious himself, but he was to a marked degree solicitous for the spiritual welfare of others. He had a strong human interest. Human nature engaged his attention and awakened his sympathy. He liked people and wanted them to be happy. He approached the world with a smile so friendly that all superficial distinctions as between Catholic and Protestant, or Liberal and Orthodox were sorely shaken if not wholly swept away. Few men have enjoyed the confidence, the affection, the admiration of other denominations in so rich a measure as he. At the investiture as Archbishop of His Eminence, William, Cardinal O'Connell, he was an honored guest. He used to relate an incident in this connection which bade fair to prove most embarrassing at the time, but which at least bears testimony to the affectionate respect in which he was held. As he entered the Cathedral that day he was accosted by a parish priest of the Catholic

Church, a warm friend of his. This priest seized him by the arm and dragged him forward saying, "Come in, come up and have a seat in the chancel." To his horrified expostulations the priest was deaf, and continued to drag him up the aisle. At last Dr. DeNormandie made him see the hideous impropriety of such a thing, whereupon the priest, still holding his arm, hauled him right down the length of the middle aisle and placed him in a front seat, under the very drippings of the sanctuary. Not many Protestant ministers would have received such treatment. The episode proves in him a Christian spirit, a sympathy and brotherliness, so deep and genuine as to command recognition even from those farthest removed from him in sectarian affiliation. If other indications of this were necessary they might be found in the length of his two chief pastorates. His qualities were of the enduring kind. His people wanted him and needed him. He had the faculty of being taken seriously, and so of making himself a rather profound influence in other people's lives. His life was happy and peaceful and sheltered. Studious, refined, fond of history and biography, immediately responsive to all that is noblest and best in human nature, whether past or present, he inevitably gravitated to those levels which were most congenial to his own culture, so that we find him both in Boston and in Portsmouth living and laboring as a beloved companion and trusted leader among earnest, cultivated, gentlefolk. His sympathy was always available to any man in any circumstances. But his sympathy never carried the taint of a patronizing condescension. He never descended to the other man's level. His self-respect was too instinctive to allow such a thing. Moreover his own self-respect led him to assume an equal self-respect in others. And, strange to say, on that basis he reached forth and touched numberless other lives of every grade and condition, seldom giving offense, and usually with a helpful and understanding friendliness that won the gratitude of the humblest. In these days it is hardly safe to use the word aristocrat in connection with one whom we wish to honor. But his life seems to prove that a man can be a true aristocrat in all his tastes and values, and at the same time a warm-hearted, friendly, helpful

Christian. He never spared himself. He was always ready for a kindly service, even though it might entail bodily discomfort and inconvenience. He loved his work, and was eager for it. As old age crept on, he never turned it into an excuse to beg off from a bit of drudgery. He had his taste of personal sorrow, but his was a happy life, and one that radiated happiness into other lives. It is good to surmise that the last ten years were the happiest, when, in a comfortable home, surrounded by children and grandchildren of whom he was justly proud, he quietly read, and talked, and thought, and remembered, and awaited the end that came as a well-earned benediction.

Dr. EMERTON read a paper on "Guelphs and Ghibellines" being an introduction to a translation of Bartolus' treatise on the subject. The many points of resemblance between the party system and practices of Italian cities in the days of Bartolus and the American party system of today were indicated. The paper will appear in a volume in preparation by Dr. Emerton.

Mr. WOLKINS presented his paper on

DANIEL MALCOM AND WRITS OF ASSISTANCE.

In the Treasury files of the Public Record Office in London are certain original papers that throw fresh light on the Townshend Acts of 1767. Not only do they encourage further study of the attempt of the customs officers to raid the premises of Daniel Malcom in Boston on September 24, 1766, but they furnish a reason why those proceedings were not followed up and why the Crown officers seemed to falter and all but lose that air of spirit and firmness that at times had driven them to strict enforcement. Beyond this, and in face of the present tendency to rely upon representations of Francis Bernard and Thomas Hutchinson to the disparagement of James Otis and John and Samuel Adams and their associates, it is perhaps seasonable to bring forward evidence in these papers that one of the King's immediate and more

highly placed servants in the person of his Attorney-General gave an official opinion not favorable to Writs of Assistance — an opinion that turned on a point in English law that Hutchinson and his associate justices had chosen to set aside.

"It is the Fate of England," wrote Lord Shelburne's sage adviser, "to Act at the same Time upon opposite and Contradictory Principles,"[1] and the Malcom affair was an instructive instance of muddled dealing on the part of officers who presumed to act with full authority. The hardy North-Ender resisted the revenue officers, even though they were armed with a Writ of Assistance purporting to summon aid in the King's name to force an entrance. Whether he took his stand by advice of counsel we can only surmise, but he did, in effect, challenge the validity of a general writ issued by the Superior Court of Judicature of the Province; and while in England there was talk of prosecution we can be quite certain he was not brought to book for successfully defying both customs authorities and peace officers who together perambulated the neighborhood practically the whole of that autumn day.

The leading facts of the attempted seizure are brought together in Channing's *History;*[2] and in Appendix I of Quincy's *Reports* Horace Gray, Jr.,[3] gives with fullness and precision nearly all the references and most of the documents bearing on practice both in England and in the Province with respect to warrants and like process in connection with the customs service. The English precedents, texts of writs, court files, and records of writs issued all appear, but there is missing a sheaf of papers now less difficult of access that in several particulars make the record more nearly complete. Gray and Channing explored the field, and it is the object of this paper only to introduce documents that connect the two subjects and to an extent alter the accepted view.

The aspersions that writers have laid upon the radical group of the 1760's cannot obscure the historical importance

[1] See p. 75, *infra.*

[2] *A History of the United States,* III. 92–93.

[3] *Reports of Cases argued and adjudged in the Superior Court of Judicature of the Province of Massachusetts Bay, between 1761 and 1772,* 395–540.

of James Otis's argument against Writs of Assistance. The maxims Otis cited from the law-books are stated briefly in Gray's notes[4] and can be found in any adequate history of the War for Independence, but the part played by his associate, Oxenbridge Thacher, has by no means received the notice it deserves. The case had come on for hearing in the February term of 1761 within but a short time of Hutchinson's elevation to be Chief Justice, and probably because two or three of the associate judges were inclined to follow the late presiding justice, Stephen Sewall, who was said to question the legality of the writs, Hutchinson decided to suspend judgment until it could be ascertained what was the practice in England, with special regard, of course, for the King's Court of Exchequer. Historians have written variously that Hutchinson "referred the question to England," that "law officers," "Crown lawyers," and "law authorities" ruled or "decided"[5] in favor of issuing Writs of Assistance, but from the writings of Hutchinson[6] and others of the period it seems hardly the proper inference. Any London opinion giving countenance to the writs that could in any wise have been made to appear juridical, we may believe would have been heralded the length and breadth of the colonies. We may gather, too, that Hutchinson was too well persuaded that the writs were vital to the whole revenue system to submit his position irrevocably for an official determination; it is much more probable he sought advice from lawyer-like acquaintances who would be familiar with Exchequer jurisdiction and would get his point of view. In any case, it was on November 18, 1761, in the August term, that final argument and decision were made — a fact not always made clear.

Jeremiah Gridley and Robert Auchmuty appeared for Thomas Lechmere, Surveyor-General of the Northern District, petitioner for the writ, while Otis and Thacher again opposed, they appearing for sixty-three Boston merchants, Daniel Malcom among them, the writs issued under George

[4] Quincy, 469–485.

[5] Channing, III. 5; Adams, *Revolutionary New England*, 273; Van Tyne, *The Causes of the War of Independence*, 179 *n.* 2. See also Bancroft (1854 *ed.*), IV. 418.

[6] *History*, III. *1749–1774*, 93–94.

II having expired six months after the King's death. Gridley relied mainly upon two statutes. The Act of Parliament of 13 and 14 Charles II, c. 11, § 5,[7] an "Act of Trade," laid down that, "it shall be lawful for any person . . . authorized by Writ of Assistance under the Seal of his Majesty's Court of Exchequer," in the day-time to enter with a peace officer any house, etc., and in case of resistance to break open doors, chests, trunks, and other package. This provision, Gridley argued, was extended to America by the Act of Parliament of 7 and 8 William III, c. 22, § 6,[8] "that the like Assistance shall be given" officers of the customs in the American colonies as by the 13 and 14 Charles II was provided for the customs officers in England. To Otis's argument at the August term that the authority of Parliament was in many cases controlled by the Common Law, that the Common Law did not sanction general writs,[9] and that parliamentary enactments to the contrary were void and of no effect,[10] to these Gridley replied: "If it is law in England, it is law here; it is extended to this country by Act of Parliament."[11] The reports of John Adams[12] and Josiah Quincy[13] agree that at the two hearings Thacher dwelt upon there being "but one" proper Writ of Assistance, namely the one issuing from the King's Court of Exchequer. "No other can grant it . . . ; and . . . no other officers but such as constitute that Court can grant it. . . . That this Court is not such a one, . . . This Court has in the most solemn manner disclaimed the Authority of Exchequer." After pointing out "diversities" between the provincial Superior Court of Judicature and the King's Court of Exchequer, Thacher reached the conclusion that "7 and 8 Wm. III does not give the Authority."

To bridge a gap separating two English statutes from the process sought in the Province, Gridley set up an act of the

[7] *Statutes at Large*, III. 237.
[8] *Ib.*, III. 611.
[9] Quincy, 531.
[10] *Ib.*, 55–56, 520–530.
[11] *Ib.*, 57. See also, *Works of John Adams*, I. 57–61; II. 124, 521–525.
[12] *American History Leaflets*, No. 33, 2–7.
[13] Quincy, 51–55.

General Court of Massachusetts, the first judiciary act of the Province to obtain the King's approval, subsequent to 7 and 8 William III, establishing the Superior Court of Judicature with powers that "the Courts of King's Bench, Common Bench and Exchequer within his Majesty's Kingdom of England have or ought to have." [14] In other words, Gridley contended that a law of the Province had granted to the Superior Court here jurisdiction similar to jurisdiction that by express act of Parliament had been lodged with the English Court of Exchequer, the act of King William's time having given the Province authority to act. "By Act of Parliament they [the customs officers] are entitled to like assistants; now how can they have like Assistants, if the Court cannot grant them it; and how can the Court grant them like Assistants, if they cannot grant this Writ. Pity it would be, they should have like Right, and not like Remedy; the Law abhors Right without Remedy. But the General Court has given this Court Authority to grant it, and so has every other Plantation Court given their Superior Court." [15] To a degree Gray's notes on the question whether the Superior Court of the Province had in this matter the functions of the King's Court of Exchequer are favorable to Thacher's argument, especially where the commentator concedes the Massachusetts court "did not possess all the powers of the Exchequer even in matters of revenue," but

[14] "'Ireland is considered as a provincial government, subordinate to, but no part of the Realm of England,' Mich. II. G. 2. in case of Otway and Ramsay. 'Acts of Parliament made here, (i.e. in England) extend not to Ireland, unless particularly named; much less judgments obtained in the courts here; nor is it possible they should, because we have no officers to carry them into execution there.' *ib.*

"The first part seems to be applicable to the plantations in general, the latter is not; for by reason of charter reservations and particular acts of parliament, some judgments in England may be executed here, as final judgments, before his Majesty in council on a plantation appeal, and so from the admiralty." Otis, *The Rights of the British Colonies*, 46. *Mass. Acts and Resolves*, I. 370–372.

[15] Quincy, 57. Mr. Gridley, "endeavoured to support the legality of Writs of Assistance by force of several statutes and precedents in England, but his chief stay he acknowledged was *the necessity* of the *case*, and in the course of his arguments he discovered himself to be an ingenious lawyer," 2 *Proceedings*, VI. 196, giving the introduction to the article in *The Massachusetts Spy*, April 29, 1773.

on the general subject of the writs he sums up: "though contrary to the spirit of the English Constitution, they could hardly be refused by a Provincial Court, before general warrants had been condemned in England, and before the Revolution had actually begun in America. The remedy . . . was to throw off the yoke of Parliament"; [16] — an opinion that has been taken by many historians as a point of departure, and is of much interest in view of the ruling in London in 1766 to which this discussion is leading.

As the Common Law did not sanction general warrants,[17] Otis sought to show that the writ of assistance mentioned in 13 and 14 Charles II must be special because the writs provided in 12 Charles II, cap. 19, two years earlier, were special; [18] but near the end of the opinion dated August 20, 1768, accounting for the change in those two statutes from special writs to general writs, the Attorney-General of England, de Grey, said the former had resulted in inconvenience.[19] Doubtless they were similar considerations that affected Hutchinson. Apparently he was convinced that a writ to be issued only when information was given upon oath would never in fact be applied for, because the informer would thereby expose himself to the rage of the people;[20] and the court sustained Gridley's argument. In consequence, the Writ of Assistance was issued December 2, 1761, granting general powers to Charles Paxton,[21] and on application of the Surveyor-General of the Customs; others followed, among them one to Benjamin Hallowell, Comptroller of the Customs for the Port of Boston, of date March 22, 1765.[22] Further,

[16] *Ib.*, 536–540.

[17] *Ib.* 531, *et seq.*

[18] "Upon Oath thereof made before the Lord Treasurer, or any of the Barons of the Exchequer, or Chief Magistrate of the Port or Place where the Offence shall be committed . . . to issue out a Warrant to any Person or Persons thereby enabling him or them, with the Assistance of a Sheriff, Justice of Peace, or Constable." St. 12 Charles II. cap. 19. The statute also provided that writ should issue within one month of the offence, and if the information were false the injured party should recover damages by action of trespass.

[19] Quincy, 454.

[20] Hutchinson, 94.

[21] Quincy, 57.

[22] *Ib.*, 418, and Suffolk Court Files, 33289, 101356.

the commissions to officers such as Hallowell, at that time signed by the Commissioners of Customs in England, referred in express terms to the Acts of Trade already mentioned, and by some these were of themselves understood to confer power to enter, search, and seize.[23]

From the fact that James Bowdoin and Otis's father were present when the Council of the Province accepted unanimously a report dated July 31, 1765, signed by Hutchinson and Trowbridge as a committee, in effect affirming the validity of Writs of Assistance,[24] it has been assumed that the process had then come to be established beyond controversy; but the incident is less important when we consider Bernard had grounds for his official pronouncement, "Common talk prevailed among the People that there should be no more seizures in this Town."[25] If writs were not to be used it mattered little that the Court issued them from time to time to newly-appointed officers. For a substantial period the Malcom case was the only occasion for their use; indeed there had been but one other case in the Province since the repeal of the Stamp Act, and there, at Falmouth, now Portland, the goods were "rescued."[26] In his testimony before a committee of the Privy Council, June 26, 1770, Bernard declared that "the Officers of the Customs grew very indifferent about making seizures."[27] Nor does it seem a material matter that the General Court had in other years authorized general warrants; there was involved no question of representation, or of an enslaving Parliament; the provisions were purely for local regulation by local officers under local appointment, and they had been abandoned well before 1760.[28] As an indication of popular feeling it would perhaps

[23] Quincy, 433*n*, 434. Suffolk Court Files, 89703 to 89946.

[24] Quincy, 439–440.

[25] Bernard to Earl of Shelburne, December 22, 1766, in Bernard Papers, IV. 282. See also Quincy, 440*n*.

[26] Bernard to Shelburne, December 22, 1766, 282; Quincy, *op. cit.*, 446. The incident happened August 7, 1766, at the house of Enoch Ilsley. In Treas. I. 453. fo. 182 is a copy of official report with full details.

[27] *Acts of the Privy Council of England, Colonial Series*, v. 257.

[28] Adams, 271, and Beer, *British Colonial Policy*, 122. But neither of these writers in citing acts of the Province back to 1748 and 1749 seems to have noticed *Massachusetts Colonial Laws*, Revision of 1660, 39: "and

be more pertinent to mention the bill passed by the Massachusetts House of Representatives February 22, 1762, and by the Council March 5 following, a measure requiring application upon oath in writing together with the name of the person informing and the place informed against, and returnable in seven days.[29] Naturally this was promptly negatived by the Governor,[30] but had it been approved, would Gridley have accepted the General Court's jurisdiction?

It is probable that in the years from 1761 to 1766 Otis himself had yielded nothing of his position on Writs of Assistance. By September of the latter year there had intervened the Stamp Act and its repeal; by the Declaratory Act Parliament had tried to bind the colonists as "subjects of the Crown of Great Britain in all cases whatsoever"; Bernard and Hutchinson were giving frequent utterance to maxims it would have been to the interest of the King and the "King's friends" to suppress; Rhode Island was still enjoying its original charter, its merchants profiting by unrestrained island trade;[31] and Otis was given continuing opportunity to ring the changes on statutes of the Tudor and Stuart regimes. They were originated, he said, in the "very zenith of arbitrary power," and it was now designed to fasten them on the people of America as a step toward their apprehended enslavement. And, as McIlwain puts it, "History as a whole vindicates the reasonableness of their fear."[32]

Under the guidance of Pitt the Massachusetts Bay people had been roused to new confidence. They had been proud to serve in the momentous days of Ticonderoga and Quebec, days when the mercantile system bore less rigidly on trade with the islands, and the great objective was successful rivalry with France. Through that epoch Otis had practised law and had come to be among the three or four who led

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all Constables, and other officers, are hereby required to assist and ayd the officer, in the discharge of his duty, and helping to breake open such houses or cellars, if the owners of such wines or strong waters shall refuse to open their doores, or deliver their keyes in a peaceable manner." See 2 *Proceedings*, III. 371–372.

[29] Mass. Archives, 66. 191–193.

[30] *Journal of the House of Representatives*, 1761–62, 299.

[31] Bernard to William Pitt, October 5, 1761, in Bernard Papers, IX. 229–231.

[32] *The American Revolution*, 188.

the Boston Town-meeting and spoke for it in the House of Representatives, and Daniel Malcom, so Bernard reported, was Otis's client.[33] It is clear that small issues gave rise to more extended inquiry, and who can say that on September 24, 1766, when Malcom bolted his gate against the revenue officers and the High Sheriff of the County of Suffolk, his opposition did not strike down to the foundations of English jurisprudence? In some respects, as Samuel Adams acknowledged, the affair was too trivial to claim much attention from either the town or the Governor;[34] but two generations ago Josiah Quincy advised students of the American Revolution to consider no incident too insignificant for minute examination, and Malcom's resistance is, perhaps, for that period, an outstanding incident, an incident, however, where there was really little of the nature of practical grievance. There was back of it, of course, the compulsory payment of taxes, and although the chief actor and his advisers seem to have rested their whole contention on theoretical points of dispute, yet they were convinced their legal rights were being violated, and failure to resist might prove disastrous.

The uncustomed brandy and wines that Richardson[35] alleged were in Malcom's house, the Captain's refusal to open the suspected cellar-room, the morning argument with Hallowell, the long afternoon in face of a brick dwelling with gate, doors, and shutters fastened to withstand siege, the four rough-handed salts sitting composedly inside with an occasional squint through cracks in the shutters, the Sheriff almost if not quite ridiculous in his helpless bearing, the bystanders and their free advice to the officers, the anxiety of the latter whether the bell of the Old North would peal impending calamity, and, finally, the picture of Sheaffe and Hallowell giving up their futile errand — all these are dealt

[33] Bernard to Shelburne, December 22, 1766, Bernard Papers, IV. 282.

[34] Letter to De Berdt by order of the Town of Boston, dated October 26, 1766, in Lee Papers, I. 25, and printed in *Boston Records*, XVI. 191–194. A document of interest in this connection is an extract of De Berdt's letter to Shelburne, no date, but written on behalf of the Town of Boston and accompanying certain of the affidavits. Treas. I. 449. ff. 106–109.

[35] Ebenezer Richardson whose deposition in the Barrons case (December 4, 1760) is in Treas. I. 408. fo. 155. See *Collections*, LXXV. 220.

with in Channing's third volume and in Gray's painstaking notes.

Malcom's home was near Samuel Mather's Meeting-house,[36] in his own estimate a hundred yards or so distant. Inspection of records at the Suffolk Registry marks the probable location on the southerly side of Bennet Street, about two hundred feet from Middle, now Hanover Street; it is not likely that he still resided on the northerly side of Fleet Street.[37] His fortune was first gathered in active life at sea, and later in trade coastwise and off-shore, presumably in vessels in which he was part owner. He was less than forty-one,[38] and three years later he had accumulated property to the value of more than £2000.[39] The Bennet Street house he had acquired in March, 1766, six months before the affair with the customs officers, and its inventory value in 1769 was £600. His name appears frequently in the town records. The committee to call on Bernard after the *Liberty* was seized included Daniel Malcom, and in the *Liberty* affair itself he hurled expletives, if not stones, at the sea-dogs of the *Romney* who cut the lines of the sloop at Hancock's wharf. More than that, by a curious sense of fitness, he served as a grand juror to investigate the "Riot" in which he had borne a prominent part.[40] In 1766–1779 he

[36] Now the site of the Boston Baptist Bethel at the corner of Hanover and North Bennet Streets.

[37] For a careful examination of Suffolk Deeds and files of the Suffolk Registry of Probate the writer is indebted to the courtesy of Thomas S. Spinney. The conveyance of Edward Hutchinson *et al* to Daniel Malcom, October 24, 1753, Fleet Street, and of Nathaniel Rogers *et al* to Daniel Malcom, March 25, 1766, Bennet Street, are recorded respectively in Book 83. 102 and Book 108. 154. The Easterly corner of the Bennet Street lot was 160 feet from the corner of Middle (now Hanover) Street, the site now occupied by St. Anthony School adjoining the house of the Franciscan Fathers, and the bounds mention land of Timothy Brown "southerly" and of Thomas Kemble and "heirs of Nathaniel Brown," a neighbor "Brown." being mentioned in Greenleaf's declaration. "Kemble" in an affidavit says he lived next to Malcom.

[38] Born November 29, 1725 (Georgetown, Maine, records in *Putnam's Monthly Historical Magazine*, I. 300); died October 23, 1769. The genealogical references are due to John H. Edmonds, whose notes were generously placed at the writer's disposal.

[39] Suffolk Probate Files, No. 14571. The will was recorded November 3, 1769, 68. 343, and the inventory is in 68. 388.

[40] Bernard Papers, VII. 25. According to the affidavit of Ambrose Vincent

joined with his friend Mackay in subscribing £14 towards Samuel Adams's debt to the town; [41] with Mackay, Goodin, Hopkins, and Barber, of the deponents of October, 1766, he was one of the Fifteen Associates whose names were inscribed on a large silver bowl given in memory of the ninety-two non-rescinders of June 30, 1768; [42] and in August, 1769, he dined with the Sons of Liberty under the "Liberty Tree" in Dorchester. It was probably in part due to his special exertions of 1766 that the next year he was made successor of his friend John Pigeon as Junior Warden of Christ Church,[43] although, as in the case of Paul Revere at the same period, and in a measure that of Samuel Adams, Malcom's name was not in the lists mentioned so frequently in John Rowe's diary.[44] There is, however, one instance; with Captain William Nichols, Captain Mackay, Captain Matchet, Captain Hopkins, and James Otis, Esq., Rowe names him among the diners with the Friendly Sons of St. Patrick on March 17, 1767.[45] His colleagues esteemed him of seasoned hard timber, and a man so wholly unafraid must have been a continuing delight to the heart of James Otis. It was a man of substance and resolution who determined to resist invasion of his dwelling.

To the Governor, sitting that noon in Council, it was but an additional dilemma staged by Otis. To adopt Bernard's language, it was all designed to make "an example of a Governor who dared to stand in the Gap, and support the Royalty of Government." [46] The discussion over the writs had subsided, in the Governor's view, "with the maintenance

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and Lewis Turner, tide-waiters under Sheaffe, Hallowell reproached Malcom for a part in the Stamp Act riot, August 26, 1765.

[41] *New England Historical and Genealogical Register*, XIV. 262.

[42] 1 *Proceedings*, XIII. 199.

[43] Charles K. Bolton, *Christ Church, a Guide*.

[44] 2 *Proceedings*, X. 31.

[45] Cunningham, *Letters and Diary of John Rowe*, 125.

[46] Bernard to Shelburne, draft of letter cited, December 22, 1766, p. 274. This is the letter referred to in "Mr. Morgan's Remarks:" "The Troubles of this Country take their rise from, and owe their Continuance to one Man so much; that his History alone would contain a full account of them. This Man, Jas. Otis Esqr, was a Lawyer at Boston when I came to the Government. He is by Nature, a passionate, violent, and desperate Man; which qualities sometimes work him up to an absolute frenzy." *Ib.*, 275.

of the King's rights," rights that had been preserved by his own "firmness and perseverance, and by the Steadiness of the Chief Justice and the other Judges."[47] It should be added that the day the Customs officers were over-matched at the North End, Temple was out of town and Paxton was in England.[48] For Hallowell, then, accompanied by William Sheaffe, Deputy Collector of the Port of Boston, the only opening was to apply to the Governor, and the latter on laying the complaint before the Council was blandly advised to "inform Mr. Sheaffe and Mr. Hallowell, that this Board are willing to do what in them lies, for the assistance of the officer in the execution of his Warrant, when their interposition shall appear to be necessary, but, that it is their Opinion, that as the Sheriff has in his power to raise the Posse Comitatus, any aid from his Excellency and the Board does not appear at present to be needful."[49]

The next day, before John Cotton, Deputy Secretary of the Council, depositions were taken, notably those of Samuel Greenleaf, the Sheriff, of Sheaffe and Hallowell, of Tudor and Ruddock, Justices of the Peace, and of certain friends of Captain Malcom.[50] There may have been open to Gray only the statements of Nathaniel Barber, John Tudor, John Baker, and the last two leaves of Greenleaf's declaration, originals that are preserved in the Massachusetts Archives.[51] From attested copies of other affidavits, some of them in the Lee

[47] *Ib.*, 276–277.

[48] Bancroft, VI. 31, is in error in saying "Charles Paxton . . . came with the Sheriff . . . , to search the house of Daniel Malcom." See *Barrington-Bernard Correspondence*, III, for letter of Bernard to Barrington, July 25. 1766, introducing Paxton, and Barrington's acknowledgment as of September 11, 1766 "brought to me by Mr. Paxton." On September 23, 1766, Paxton was "directed to attend the Treasury Board." — Treas. 29. 38. 127.

"Yesterday sail'd for England, the *Fortune* Sloop of War, Capt. Bishop, with the *stamped papers* that were designed for this Province. On board of whom Charles Paxton, Esq; Surveyor of his Majesty's Customs, and Mr. Thomas Palmer went Passengers." *Boston Gazette*, July 28, 1766.

[49] Mass. Archives, Council (Executive) Records, XVI. 157.

[50] *Ib.*, 158. See also the full account in Bernard to Shelburne, October 10, 1766, received December 12, 1766, Colonial Office, Class 5, Vol. 755. p. 795. The enclosure was "one very long paper" containing the depositions of Sheaffe and Hallowell, Stephen Greenleaf, John Ruddock, John Tudor, Wm. Nicholls, Wm. Wimble, Nathaniel Barber, and John Baker. A draft of this letter is in Bernard Papers, IV. 251–255.

[51] Mass. Archives, LXXXVIII. 191–198.

Papers in the Harvard College Library, and originals as well as copies in the Public Record Office in London, it is possible to assemble what is probably the whole file. But there are three sets: one which Bernard tried to keep semi-secret until copies were safely on passage to London, depositions that the town leaders objected to as taken *ex parte*, all accompanying his own circumstantial account of what he chose to call the "Seizure . . . at Boston . . . Rescued with an high hand"; [52] a second set, larger in number, forwarded to De Berdt with a letter drafted by Samuel Adams but signed by James Otis on behalf of the town committee; [53] and a third, consisting of papers that emanated from Hallowell and Sheaffe, chiefly Hallowell, received in England by the Commissioners of the Customs. The Governor and the committee chaffered over the affidavits taken in Council, it being the aim of Otis and his associates to lay stress upon the peaceable disposition and the correct deportment of all who witnessed the feeble attempt at a raid — a demonstration by two groups, revenue officers and officers of the peace, each trying to out-stall the other a long afternoon until the sun had done its perfect work.

Taking them together the affidavits are themselves the clearest narrative of precisely what occurred. In Malcom's behalf we read he had graciously shown the officers all his rooms, the woodshed, and the outer cellar, reserving only the part that had been let to Mackay, the key to which Mackay did not produce; that Malcom knew the laws, and swore the first man offering to break lock or door without lawful authority should that minute go to eternity. Mackay, too, was well-tutored; he told Hallowell he had always understood a man's house was his castle, that it could not be broken into unless for murder, treason, or theft; that Malcom was determined to make a stand; that if there were anything in the cellar they must break every lock and door until they came to it, and then people would know whether they had rights in their own dwellings. It was in evidence that Malcom's pistols were empty, and that he had had his hands full trying

[52] Bernard to Shelburne, draft cited, December 22, 1766.
[53] See note 33, *supra*.

to pacify Ann Fudge, his terror-stricken wife, and their turbulent children.[54] To John Pigeon, the third of Malcom's friends inside the house, it occurred to ask a pertinent question that bears on the grievance as rather more theoretical than practical. Why was it that since neither Malcom nor Mackay had contraband they did not gratify the officers? Malcom answered that the officers declined to name the informer, a formality he thought the law required; that Hallowell had used him with great rudeness, and that for his part he would risk his life rather than submit to search unless the law allowed it! This, it must be admitted, exhibits a trait very much in line with English-Scotch-Irish tradition.

Malcom and Mackay agreed that Hallowell had offered to compromise, or "compound"; as Mackay put it, Hallowell offered during the morning's bickering to make it as easy as possible, and that "for Peace sake" he and Sheaffe would give up their share of the goods seized, and the truth of this Hallowell conceded later on.[55] There was a further if less grievous circumstance. When the customs officers withdrew in the forenoon to consider what could be done, Malcom and Mackay also went "on 'Change," in King Street, possibly to confer with Otis, and although Hallowell and Sheaffe accosted them there in the effort to induce in Malcom a change of heart, all the principals — customs officers and alleged smugglers — seem to have suspended proceedings until after dinner. To express it in court parlance there was a noon recess!

But the truly serio-comic exhibit was on the part of the peace officers. In the morning the High Sheriff was absent in the country, and not only did his deputy distinguish himself by telling Mackay not to be uneasy, "for he had no authority to break any Place open," but he called out to Malcom, "I hope you are not angry with me, . . . I have nothing

[54] "His Wife following him, beging and Intreating him, to be quiet for he would frighten her to Death. . . . Said Malcom's Wife did not appear to be under the least apprehensions of any Violence from the Officers of the Customs, but from her Husband, whom she desir'd me (Lewis Turner) to persuade to be quiet and easy." — Vincent-Turner affidavit.

[55] Hallowell made no mention of this in his deposition with Sheaffe. The documents illustrating this narrative are given *infra*.

against you or yours, nor I don't know what the Officers brought me here for." Being told by Bernard it was his place to assist the customs officers the Sheriff took counsel of prudence and with Sheaffe and Hallowell secured a special search warrant. We then have a glimpse of the Sheriff calling repeatedly in loud tones for Malcom to open. No answer forthcoming he turned into the next yard, only to find the fence very high with no opening and the back windows all shut; he induced one Brown to climb high enough to look over the fence and renew the calls for the retired mariner, but all inside was now of the stillness of a tomb. He observed the lookers-on growing in number; he assured Captain Nichols he had no doubt he should be able to satisfy "the besieged that everything had been done which he or the People could desire," and Captain Nichols bore the olive-branch on condition the revenue officers would retreat to a distance; but Malcom would not be spoken with on any terms. Nichols then warned the Sheriff it was the temper of the people to prevent the house being forced; Hallowell and Sheaffe insisted upon something being done, however, and there was begun a round of calls on North End justices of the peace. Stoddard was sick; there were but two constables in that part of the town, and Stoddard could not feel they would be of much service. Tudor went with them to see Ruddock, at once a justice and captain of one of the king's batteries, but Ruddock had a complete defence. While Ruddock would have liked to help, his Battery was technically discharged and at that particular juncture he had no authority whatever to muster a single man of his command; further, he was a very heavy man and if he were to go to Malcom's house he would have to be carried in a chaise. It was no part of Ruddock's duty to be an assistant in person to the Sheriff and custom-house officers, and he would sooner resign than disgrace the dignity of a public officer. Greenleaf returned and addressed the by-standers. They knew it was his duty to command their assistance, he said, and he hoped no man there would refuse it. It was the general answer they hoped nobody would hurt him, but he would have no assistance unless and until the name of the

informer was disclosed. The High Sheriff had yearned for nothing quite so much as nightfall when the writ would be of no avail, and to the revenue officers he finally remarked upon the hopelessness of the situation. Paul Revere was one of those who thought Hallowell looked very angry. It was within the immediate area of the Stamp Act riot, the bell might ring, and most terrible consequences ensue; to make good the better part of valor the band of Crown officers trooped off with the Sheriff "to inform the Governor of what had passed"! Is it any wonder that close to the seat of power in England men got the impression it was a Provincial act and the "Effect of Principle and Concert"?

The number of people gathered to see the outcome was augmented by boys from the North Grammar School; it was they, it was said, who had spread the word that the bell would ring; or more likely it was the informer himself who had been hiding and would want a general mêlée to make good his escape! It came twilight, and after; the streets were not lighted;[56] the school boys were heard at Richardson's house giving three cheers for the prize he had got. Inside the Malcom dwelling, where earlier in the day the resolute merchant had entertained at least one of his friends with a "small ceremony," there was now a little "quiet laughing"; to the good people who still showed their attachment by hanging about his gates he gave several buckets of wine, remembering to have it mixed with water, and when they had refreshed themselves they called out, "Good night to you, Gentlemen, we thank you." There had been no roll of drums, no parade of men-at-arms, no sword or gun-play; the assistance commanded by the writ had been hollow, and of no value; there had been only a futile bluster on the part of baffled agents of the King, ending in retreat for one party, and for the other an open tap! It remained only for Hallowell to insist his information was reliable and that the smuggled liquors were in Malcom's cellar. Hutchinson's formula had been dishonored by public officers and citizens alike, many of them advised undoubtedly by a brilliant lawyer

[56] 2 *Proceedings*, x. 55.

who knew the legal history of his race. Was Daniel Malcom justified? Was the writ good; had it lawfully issued?

An answer appears in a document of exceeding interest. The occasion was a report of the Collector and Comptroller of New London, Connecticut, through customs channels, May 24, 1766, that justices of the Superior Court of that colony had been at loss to determine whether writs of assistance should issue,[57] the Act of Parliament having made "Express provision that they shall issue under the Seal of the Court of Exchequer." With a "Case" before him, the Attorney-General of the Realm communicated to the Commissioners of the Customs in London a formal written opinion the pith of which is the following paragraph:

> I think the Words of the Act will not admit of the Construction put upon them in this Case, for the Words "*and also to enter*" etc. must be connected with the preceeding Words "the same Powers and Authorities" so as to run in this manner, Vizt. "*the Officers of the Revenue shall have the same Powers and Authorities as they have in England for visiting Shops etc. and also to enter Houses etc.* which words we give only a relative and not an absolute Power; and the Court of Exchequer in England do not send their Process into the Plantations, nor is there any Process in the Plantations that corresponds, with the description in the act of K. W.

This opinion was dated October 17, 1766, and by the Commissioners of the Customs it was transmitted to the Treasury with a suggestion that new legislation might be expedient. The following month, November 22, the Commissioners of the Customs conveyed to the Treasury, as a "further instance," the text of John Temple's letter of October 1 and of the accompanying report of Sheaffe and Hallo-

[57] "Thursday August 26th, 1773 — . . . Mr. Cushing Cummunicated a Letter which he had received from the Committee of Correspondence in Connecticut requesting that they may [be] Informed what has been Done by the Judges of the Superior Court in this Province, on the requisition made for a writ of assistance. — where upon the sub committee procured the minutes of the arguments made by Mr. Thacher and Mr. Otis before the Judges of the Superior Court in this Province against such a writ being Granted here, which together with a Letter were forwarded to the committee of Correspondence in Connecticut." — *A Journal of the Proceedings of the Committee of Correspondence,* in 2 *Proceedings,* IV. 88.

well on Malcom's resistance.[58] The Attorney-General was William de Grey, later Lord Chief Justice of the Court of Common Pleas, and known to legal history as Lord Walsingham.[59] He was the object, we are told, of Lord Eldon's highest commendation. "He spoke of him as a most accomplished lawyer, and of most extraordinary power of memory."[60] It was de Grey who conducted proceedings against John Wilkes,[61] and it is also in the record that as Attorney-General he urged in the House of Commons the application of a statute of Henry VIII for the trial in England of offenders here against the high authority of Parliament.[62] It was he who paid to American lawyers that compliment that appears in the histories, "Let gentlemen look into the papers on the table, and they will see how well these Americans are versed in the Crown law. I doubt whether they have been guilty of an overt act of treason; but I am sure they have come within an hair's breadth of it."[63] Is it too much to say that in his ruling on the Writs of Assistance de Grey showed the same sense of public duty that led John Adams and Josiah Quincy to undertake the defence of Captain Preston?

Writings on the period 1755 to 1767 have been searched with care, but with one exception the historians seem utterly to have neglected de Grey's ruling in 1766 on Writs of Assistance. George Bancroft is not now much in vogue, but he did laborious work in examination of the sources. In his sixth volume appears this sentence: "By another Act a Board of Customs was established at Boston; and general Writs of Assistance were legalized."[64] And earlier in the

[58] On November 12, 1766, the Customs Commissioners had transmitted to the Treasury Board the report on the Ilsley case at Falmouth (now Portland, Maine). — Treas. 1. Bundle 453. fo. 181.

[59] 1719–1781. He was Attorney-General from August 6, 1766, until he became Chief Justice of the Court of Common Pleas. Thurlow succeeded him as Attorney-General January 26, 1771. *The Book of Dignities.*

[60] Twiss, *Life of Eldon,* I. 113.

[61] D. N. B., XXIII. 216.

[62] Cavendish, *Debates,* I. 196.

[63] *Ib.,* I. 96.

[64] Ed. 1854, VI. 84. See also IV. 431, — "The general writs of assistance, which were clearly illegal, would have been prohibited by a provincial enactment, but for the negative of the governor."

same chapter is another reference: "No practical question existed, except that which Otis had raised, on the legality of the Writs of Assistance first issued by Hutchinson; and while it was even suggested by one person at least to construe some reported declarations of Otis as proofs of treason, and to bring him to trial in England on an impeachment by the House of Commons, the Attorney and Solicitor General of England, established his opinion that the writs themselves, which had begun the controversy, were not warranted by law."[65] There are not sufficient inaccuracies in this statement to justify ignoring it altogether and there is this foot-note: "The opinion of the Attorney and Solicitor General, I could not find in the State Paper office, nor at the Treasury; but that it was adverse to the views of Charles Townshend appears from a letter of Mr. Grey Cooper to Mr. Nuthall, directing him 'forthwith to lay this matter before Mr. Attorney and Mr. Solicitor General, together with the case and their opinion, for their reconsideration.' That there was in the 'reconsideration' no change of the adverse opinion, may be inferred from the fact, that the Treasury gave up the question, took no step against Malcom, and introduced into the American Revenue Bill just the clause which, from Townshend's point of view, an adverse opinion would have rendered necessary. Besides, had the opinion been favorable to the Crown Officers, it would have been made use of in America."

It is odd that even Horace Gray, Jr., seems neither to have noticed Bancroft's hint that such a paper had existed, nor followed the clue furnished both in the Statute of 7 George III, c. 46, and in de Grey's later opinion of August 20, 1768,[66] a ruling that rested solidly on that particular Townshend Act of 1767, and was in no particular inconsistent with his opinion of October 17, 1766.

Further documents in the Public Record Office confirm most of what Bancroft surmised. By March, 1767, Charles

[65] *Ib.*, iv. 72.

[66] See Quincy, Appendix I. 452–454, for text of opinion, taken by Gray from a copy in the files of March term 1769 of the Superior Court of Judicature of the Colony of Rhode Island. Copy is also in Treas. 64. 188. 136–139.

Townshend had been conceded a free hand, and with de Grey was on the committee to report suitable revenue bills to the House of Commons.[67] Close reading of Section X of the "Act for granting certain Duties in the *British* Colonies and Plantations in *America,*" and comparison with de Grey's opinion of August, 1768, already referred to, will disclose the same careful choice of words that were intended in the Act to make Writs of Assistance legal and relieve them of the disabilities and limitations to which his 1766 opinion had drawn attention.

As De Berdt wrote Thomas Cushing, August 26, 1765: "The whole Ministry seems united in this one point that when a Law passes the Legislative Power it becomes part of the Constitution and therefore not to be dispensed with or opposed."[68] From November 20, 1767, therefore, according to this view, Writs of Assistance could properly and legally issue from a plantation court, under Act of Parliament; but until then, in the opinion of the King's Attorney-General, an opinion that was not successfully controverted, the law did not permit their issue except in England under seal of the King's Court of Exchequer.

In America, in the Fourth Amendment to the federal Constitution and in the constitutions of the several states there were included prohibitions against general writs,[69] and by 1817 the English Board of Customs had itself abandoned the use of Writs of Assistance except upon information supported by oath.[70] It can hardly be denied, therefore, that

[67] *Journal of the House of Commons,* 12 June, 1767, p. 403; 29 June, 1767, p. 415.

[68] Colonial Society of Massachusetts, *Publications,* XIII. 337.

[69] Stimson, *The Law of the Federal and State Constitutions of the United States,* 45, 46; 149, § 71, and *n.* 10. New York alone is excepted.

[70] See Quincy, 535, citing 1 Chit. Com. and Manuf. 790, 791; Wildman's General Orders of the Customs, 358. In Gray's notes and in Stimson there are references to Lord Camden's position on general warrants. Gray says: (516–517): "Yet *Coke* agreed with the uniform current of English authority, in holding that an Act of Parliament bound Ireland or the Colonies, if expressly named or necessarily included therein. And *Camden,* in the winter of 1767–8, said in the House of Lords that 'though he had been clearly of opinion that Parliament had no such right, yet since it had been declared by Parliament, he did not think himself, or any man else, at liberty to call it in question.'" And again (534), "It is hard to imagine that the same House of Commons which condemned general warrants in 1766 intended to authorize general writs of assistance in 1767." Stimson (149, *n.* 10) says, under the

the argument of James Otis influenced and to a degree determined the course of legal history in that particular.[71] It is manifest also that the reasoning of Oxenbridge Thacher was upheld by the chief law officer of the Crown at a time when the High Court of Parliament had as yet refrained from explicitly extending to the plantations powers to grant general writs that were lodged only with the King's Court of Exchequer.[72] Both attorneys for the Boston merchants in the two terms of 1761 we may assume were legally correct; in any case high authority agreed with them; and it seems reasonably conclusive that prior to the effective date of the Townshend Revenue Act of 1767 Writs of Assistance should not have issued in America.

James Otis's fame is secure; and Christ Church, Boston, has its memorial to Daniel Malcom, "a fearless opponent of the Revenue Acts." But there is occasion also to remember William Pitkin, Jonathan Trumbull, and their associate judges in the Superior Court of Connecticut who were firm

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caption, *Arrest and Search:* "This may be said to be the only constitutional principle first established in America (by James Otis, arguing against writs of assistance in Massachusetts) and afterwards adopted in England (by Lord Camden, *State Trials,* XIX. 1030)." Examination of the report of this latter case, involving seizure of papers of a person accused of seditious libel (one of the Wilkes cases), however, does not disclose any direct judicial remark on general warrants with respect to writs of assistance or the forfeiture of uncustomed goods. The action of the House of Commons, April 22, 1766, to which Gray refers, was in form of a resolution declaring the seizure of papers in the case of a libel to be illegal, followed by a resolution against general warrants in the case of libel. The latter was afterwards extended by a further vote declaring general warrants universally illegal, except in cases provided for by Act of Parliament. See *Journal of the House of Commons,* April 22 and 25, 1766. In Wilkes *vs.* Wood Lord Camden "appears to have explicitly avowed his own opinion of the illegality of general warrants; but what was done afterwards is not stated." — Howell, *State Trials,* XIX. 1076. These cases are discussed by Taswell-Langmead, *English Constitutional History,* 636–637.

[71] See McIlwain, *The High Court of Parliament and its Supremacy,* pp. 309–310, and 310, *n.* 1.

[72] Gray's notes to Quincy, 540, invite attention to Thomas Pownall's comment in *Administration of the Colonies* (3rd ed.), Appendix III. 44, by the following remark: — "Governor *Pownall* was too well acquainted with the government and laws of the Province, to have suggested in 1766, 'the creating in America, by Act of Parliament, Courts of Exchequer for the express purposes of the Crown's revenue,' if it was clear that such a Court already existed here." This word by Pownall appears only in his third edition and in no subsequent issue, probably because of the revenue legislation of 1767.

in withholding the writ on grounds similar to those outlined in de Grey's ruling; and we ought to hold in especial honor the courageous spirit of Oxenbridge Thacher who argued the statutes on their merits, and to carry his point needed only a bench endowed with the same quality of mind and disposition it was the good fortune of Connecticut to enjoy during that crucial period.

Declaration of William Sheaffe and Benjamin Hallowell.[1]

Custom House, Boston Septre. 24th, 1766.

We William Sheaffe Depy. Collector and Benja. Hallowell Comptroller of his Majestys Customs for the Port of Boston Received Information that a Number of Casks of Brandy Wines and other Liquors had been Clandestinely imported into this Town Concealed in a Cellar under the House of Captn. Danl Malcom at the North End whereupon between the Hours of Eight and Nine o'clock this Morning we went to the said House of Captn Malcom directing Mr. Vincent and Mr. Turner Waiters to follow us and Mr. Benja. Cudworth Deputy Sheriff of the County of Suffolk to be ready at Call by Virtue of a Writt of Assistance legally granted to said Benja Hallowell to be aiding and Assisting to us in the Discharge of our Duty, When we Came to the House we Enquired for Captn Malcom who soon after came to us When I Willm Sheaffe in the hearing of said Benja Hallowell told him that we had Information of sundry Goods that were illegally Imported and Concealed in his House and Desired him to show us the Stores and Cellars belonging to his House whereupon said Malcom shewed us a Shed appearing to be a Wood House and afterwards Called for a Candle and the Key of the Outer Cellar Door and shewed us into 2 Small Appartments of his Cellar in which nothing Appeared but his Family Stores On which we Perceiveing another part of the said Cellar Partitioned of I the said Wm. Sheaffe desired and Demanded of said Malcom the Key of that Part of the Cellar Whereupon he Replied it was Occupied by another Person and he had not the Key thereof, but it was in the Possession of one Captn Mackay to whose House I the

[1] Lee MSS. I. 15 (1–4), 16 (1). Copy, with interrogatories, is in Treasury 1. Bundle 452. 36. Copy of a "representation" signed by Sheaffe and Hallowell as of September 24, 1766, which follows this text *literatim*, although not in affidavit form and without interrogatories, is in Treas. 1. Bundle 453. f. 171. This latter paper was apparently sent by Sheaffe and Hallowell to the Commissioners of the Customs in London on October 31, 1766.

said Wm Sheaffe went and returned with said Mackay to said Malcoms House when we asked him for the Key he said he had it not we then Insisted Upon having the said Cellar Door Opened Upon which said Malcom solemnly swore it should not be and if any Man attempted it he would blow his Brains out on which we sent for said Turner Vincent and Sheriff then said Malcom Repeating his Threats of Blowing any persons Brains out that should touch a Door of his and went and took a Pistol in his hand and soon after another and then put on a sword and swore by God that no Officer should touch anything in his House and that he Could have Assistance Enough. We told him that it was Our Duty that Obliged us to Act as we did and Desired him to Consider the Evils that would Attend his Refusal on which he said he Did not Care he knew the Laws and that no Body had a right to Come into his House or should Come in and I the said Benja Hallowell for myself Declare that said Malcom said that he supposed we Came for his Money and if he had not been at home he Imagined we should have taken it out of his Chest and that he would Mark us for black sheep We assured him we had Power to search his Cellar and shewed him a Writt of Assistance for that Purpose and told him we had brought a Civil Officer with us whom he saw said Malcom replied he did not Care for any Officer and that none should search his House and if such things as Coming to search peoples Houses were suffered he the said Hallowell would be served as he was Before by the Mob and if any Man attempted to search his House he would blow his Brains out. at that time said Malcom was Armed with 2 Pistols and a sword and that he did not Care for any Kings Officer for by God he had Assistance Enough. We then Again Informed said Malcom that he would by his Resistance not Only Involve himself but the People in Difficultys and Expostulated with him for Near 2 Hours Endeavouring to Persuade him to suffer us to search his Cellar but it all Proved in Vain he Still Persisting in his Refusal and Repeating his aforesaid threats and the Dep'y Sheriff Benjamin Cudworth not being willing to Enter the said Cellar by Force we Quitted the House of said Malcom leaving several Under Officers in the Customs to watch said House I immediately went to the Surveyor General to Acquaint him of what had happened who was not in Town from whence we immediately waited on the Governor then sitting in Council and Informed him of the Resistance we had met with in the Execution of Our Offices Whereupon the Governor immediately sent for the High Sheriff of said County and directed him instantly to Apply to the Several Justices of the Peace at that Part of the Town for their Aid and Assistance

in Particular to Justice Ruddock who was also a Captain of a Company to Raise his said Company and Put them under Arms if Necessary in Support of us Also Ordered the Sheriff if needful to Raise his Posse Comitatus. On which in Order to Obviate all Pretences and Difficulties we immediately Applied to Foster Hutchinson Esqr. a Justice of the Peace for said County for a Warrant directed to the Civil Officers Commanding them to be Aiding and assisting us to Enter the House and Cellar of the said Danl Malcom for the Reason Mentioned in said Warrant having first Made Oath before said Hutchinson that we had Received Information that sundry Casks Containing Wines, Brandy, or other Liquors were illegally Imported and Landed in the Town of Boston and Concealed in the Cellar of the House belonging to said Danl Malcom all which will more fully Appear by said Warrant Reference thereto being had about 3: oClock P M We Accompanied by the High Sheriff to whom we Delivered said Warrant went to the House of said Malcom where we met said Benja Cudworth and when we got there we found the Gate fastned so that we Could not gain Admittance without Force After we had been at said House for Near half an hour and the said Malcom having been repeatedly and Loudly Called to by me the said Benja Hallowell as well as together at Our Request but not Appearing and finding that we Could not Possibly enter said House but by Force and that Numbers of People were Collected at a small Distance from said House we together with the said Sheriff went to Justice Stoddards whom we found Sick and as he said Unable to Come Abroad which we Verily beleive was True from whence we all went to Justice Tudors for his Aid and Assistance who immediately went Amongst the People in Order as he said to Persuade them to Move of and Not Obstruct us in our Duty then the said High Sheriff left us as he said to go to Justice Ruddock's, who after returning to us again without any further or other Assistance, We then being near said Malcoms house and surrounded by between 3 or 400 people and receiving repeated Intimations from several persons of Credit Particular Mr. Baker and Captn. Wimble that if there should be any force offered to be used by us in breaking into said Malcoms house the Officers would be insulted and ill used, and it would be attended with fatal Consequences to them and that instantly on the Officers attempting to enter said House by force a Signal would be given which was to be by ringing the Bell of the old North as for Fire, whereupon the People would directly assemble and collect and prevent our doing our Duty. And by Means of which we should

certainly run the hazard of our lives, however we continued there till about half an hour after five P:M: in hopes of obtaining either further assistance, so as to safely discharge our duty, or that said Malcom would quietly suffer us to search his said Cellar, but in Vain, When we were also informed by person's of reputation that it wou'd be best For us to come off before Night, as it would be dangerous for us to be there after that Time, and if we persisted there would be greater Disturbance in the Town than was before, on which informations having Consulted with the said high Sheriff and finding it impossible to proceed but by force, We as well as the high Sheriff thought it most safe and adviseable to quit said house and Return, and accordingly we did so

WILLM SHEAFFE *D Collr.*
BENJAMIN HALLOWELL *Compr.*

Q. Being sworn, whether if you had proceeded in opening the house, you think that your lives would have been in danger

Ans: Yes Certainly.

Q. Whether you think the Danger woul'd have come from within the House or without?

Answer: From both.

Q. How came you to be of this Opinion?

Answ: From the information of diverse credible people who came to us for that purpose.

WILLM SHEAFFE *D Collecr.*

Q. Have you since been confirmed in the same Opinion?

Answ: by Mr. Hallowell. Yes, I have from some of the same Person's who advised us at first. BENJAMIN HALLOWELL JUNR.

Sworn in Council Septemr. 25th: 1766.

JNO. COTTON, *D Secry.*

DECLARATION OF JOHN RUDDOCK.[2]

John Ruddock declareth and saith that yesterday about five a Clock Mr. Sheriff Greenleaf came to his House and desired him to go with him to Captn. Malcoms House as an Assistant in Person and told me he had a Warrant from the Chief Justice requiring me; I told him if he wanted a Warrant I was ready to give him one but did not think it was my duty as a Justice to be an As-

[2] Lee MSS., I. 16 (1–2).

sistant in Person to a Sheriff and Custom house Officers, and wou'd sooner resign my Commission than Disgrace the Dignity of a Justice So Much He then said the Governor desired me to Assist him as Captn of the Battery to which I Answered him I had Dismissed all my people last Monday with an Intent to Enlist them a New and part of their Enlistment was to Assist the Civil Magistrate and Had the Thing been Done I Would have assisted him as Captain of the Battery with an Hundred and fifty Men had he been Insulted but I saw No Mob nor any People gathered together but heard that there was a Number of People by Captn Malcom's House and that he gave then several Buckets of Wine and urged them to go home. I also heard that there was a Number of people at Richardsons the Informers House and threatned him if they Could have got him

John Ruddock.

Boston, Septr 25, 1766
Sworn in Council this Septr. 25 1766

Jno Cotton, *D Secry.*

Declaration of John Tudor.[3]

John Tudor Testifieth that on the 24th of Septr. 1766 Mr Sheriff Greenleaf Captn Hallowell and Mr Sheaffe came into my House about 4: O Clock P:M: and told me that they were Going down to Captn Malcoms House on an Information that they the said Hallowell and Sheaffe had Received of some Goods being Illegally Imported that were lodged in said Malcoms House and as we were Consulting the Properest Method to take Captn Wimble Came into my House and said Gentlemen I heard you was here and I Came as a Friend to Let you know something how Matters Stand (or Words to that Effect) Respecting the Affair at Captn Malcoms there is said Captn Wimble a Great Number of People gathered together in and about Capt Malcoms House as I Supposed to Prevent any Officers Entring his House on said Account we thought it best to Seperate and see or hear what we Could and meet at some Place near To farther Consult in the Affair Sheriff Greenleaf and myself went to Justice Ruddocks and discoursed with him on the Affair then Mr. Greenleaf took one Street and I another to see how Matters stood I went towards said Malcoms House in my Way I Met Mr. Nathl Barber who

[3] Lee mss., i. 16 (2–3). Original is in Mass. Archives., lxxxviii. 192–193.

told me of a Number of People being assembled at said Malcoms House and gave me Pretty near such an Account as Captn Wimble did as Above w[ith the addition] that he Understood amongst the People that if the Custom House Officers Came to force Open Captn Malcom House that the Old North Bell was to be set a Ringing as a Signal for the People to Assemble and the said Barber said he hoped the Custom House Officers would not Come to force any Entry for if they did he feared the Consequence for he believed there would be Mischief done this brought me near where the People were Assembled at the head of the Street near said Malcoms House there were 3 or 4 Companys in the Whole I Suppose near 300 I Went in Amongst them and Asked some Questions they Answered me in a Very Pleasant Manner and All of them whilst I staid with them behaved very Quietly and some of them said very Pleasantly they Came to see how Affairs was Like to go, etc., etc. I left them in all Appearance in Good Humour and Quiet and I soon Joined Sheriff Greenleaf Mr Sheaffe and Mr Minot and we Consulted together on the Affair and Upon the Whole we thought it would be in Vain as Matters Stood to Attempt any thing farther at Present as the Evening was Coming on to all which we All Agreed and I went home.

JOHN TUDOR.

Sworn in Council Septr. 25 1766.

JNO COTTON, *D Secry.*

FIRST DEPOSITION OF WILLIAM NICHOLS.[4]

Captn. Wm. Nichols of Lawful Age testifies and says that in the Afternoon of yesterday the Sheriff desired him to speak to Captn. Malcomb to desire he would Speak with the Sheriff which he attempted to do but Could not get any Answer whereupon he told the Sheriff that Captn Malcom would not be spoke with but the Sheriff talking of Forcing the Door the Deponent Advised him not to do it that Captn Malcom was a Resolute M[an and he would] not make such an Attempt for all he was Worth that the Danger was from within the House and not without the People Appearing to be Very Quiet

WILLM NICKELS.

Sworn in Council 25 Day Septr. 1766.

JOHN COTTON, *D Secry*

[4] Lee MSS., I. 16 (4).

First Deposition of William Wimble.[5]

Captn Wm Wimble of Lawful Age testifies and says that on the 24th Instant in the Afternoon Returning from Noddles Island he heard there was a disturbance at Capt. Malcoms House, he went near the same and found it was occasioned by the Sheriff and Custom house Officers being there in Order to make a Seizure that after having had a little Conversation there, he went to the house of Justice Tudor and there told the Sheriff it was the Opinion of his friends it would be dangerous to enter Capt. Malcoms house he being a Man of Resolution, being asked if he told the Sheriff the Bell would ring and then the Street's would be filled, he said he did and said that the Occasion of Peoples saying the Bell would ring was that the Informer might be there and ring the Bell himself in Order to make his Escape, but he did not give that reason to the Sheriff, and upon the whole advised the Sheriff not to proceed in attempting to enter the house because of the Mischief which might ensue and says that While the Sheriff and the Officers was there the People was as Quiet as tho they were at Church.

Wm Wimble.

Sworn in Council 25. Septr, 1766.

Jno. Cotton, *D Secry.*

First Deposition of Nathaniel Barber.[6]

Nathl. Barber of Lawful age Testifies and says that on the 24th Instant [when] passing by Mr. Mathers Meeting House he [saw a] Number of People Collected together near Mr. Daniel Malcoms House and on Enquiry was Informed that the Custom House Officers was going to Seize a Quantity of Goods in the said Captn. Malcoms House and was told that the Custom House officers were gone to Justice Tudors with the Sheriff and the said Declarant tarried near said Malcoms untill said Officers Returned during which time the People Assembled behaved with Order and Decency and did not Imagine any Insult to the Officers would have happened from the People so Collected that he heard several Gentlemen speak to the Sheriff advising him to Moderation (as he the said Sheriff declared he would Do his Duty as an Officer

[5] *Ib.*, I. 16 (4), 17 (1).
[6] *Ib.*, I. 17 (1–2). Original is in Mass. Archives, LXXXVIII. 191.

if Ordered or Desired by the Custom House Officers) and the Declarant himself gave him the same Advice that the Sheriff asked him the Declarant if he would give his Assistance if he desired it he answered he would but he would not Enter the House soon After this the Sheriff and Custom house Officers Retired When the People Expressed an Entire Satisfaction with the Sheriffs Conduct and said he behaved with the Greatest firmness and much like a Gentleman and that he heard but does not know from whom that Upon Mr Malcoms House being attacked the Old North Bell was to Ring

NATH BARBER.

Sworn in Council Septr. 25, 1766.

DEPOSITION OF JOHN BAKER.[7]

John Baker of [Boston of lawful age] Testifieth and saith that as he was going from his Dwelling house to his Wharffe yesterday afternoon he saw a Number[8] of People together near Mr. Matthers Meeting House He Enquired of some of them the Reason of their Assembling they Informed him that upon hearing the Officers of the Customs were at Captn Malcoms House to Make a Seizure (Near said Meeting House) there Curiosity led them there as Spectators. The Deponent Accordingly Proceeded towards the said Wharffe and in his Way thither he met with the Sheriff, Mr. Hallowell and Mr Sheaffe and had some Discourse with them in which he advised them not to Proceed any further for fear of some Bad Consequences and said that if he was in their Circumstances he would not Run such a Risque Whereupon Mr. Sheriff desired the Deponent to speak to some People who had gathered around him and the Custom house Officers and Inform them that the said Officers would not Proceed any farther which he Accordingly did and then the People dispersed and he the Deponent went about his business and the Deponent further says that the People were very Civil to the said Officers and did not seem disposed to prevent them from Executing their Office.

JOHN BAKER.

Sworn in Council September 25, 1766.

[7] Lee MSS., I. 17 (2–3). Original is in Mass. Archives, LXXXVIII. 194.
[8] "Multitudes" is scratched out and "Number" is substituted.

Declaration of Stephen Greenleaf.[9]

Stephen Greenleaf Sheriff of the County of Suffolk being Ordered to Appear before his Excellency the Governor and his Majestys Council to give a full and Circumstantial Narrative of all that Passed Yesterday (being 24th Septr. 1766) which [fell within his] Observation Relating to his Execution of [a writ commanding aid and assi]stance to be given [to the] Officers of his Majestys Customs declares as follows Vizt. that upon his return from the Country yesterday about ten o Clock in the forenoon he found a Written sealed Message at his House in the following words Vizt.: The Collector and Comptrollers Compliments to Stephen Greenleaf Esqr. and ask the favour to Speak with him at the Custom House this Morning at Eight oClock: Septr. 24 1766, A. M. the Declarant says that he Accordingly went Very soon to the Custom house and was there told by Willm. Sheaffe Esqr. Deputy Collector and Benja. Hallowell Esqr. the Comptroller that they having Received Information of a Quantity of Goods being illegally Imported and Lodged in the House of Captn Daniel Malcom at the North End of the Town had been there that Morning attended by Mr Cudworth a Deputy Sheriff in Order to Seize the Same but Were by said Malcom denied Admittance into one of his Cellars where they Suspected the Goods were Concealed the said Malcom having as they Informed the declarant armed himself with a Sword and a Pair of Pistols and threatening immediate Death to Any Person who Should attempt to force it the said Comptroller then shewed a Writt of Assistance Signed by one of the Clerks of his Majestys superior Court of Judicature for this Province and desired him to go with him and the said Collector to aid and Assist them in making Proper Search for said Goods says that he Readily offered to do his Duty and to attend them at any Time they should fix and that he would wait at the Court House for their further direction he further says that about 12 oClock same day he was Called before the Governor and Council and told by [his Excellency that it was expected that he the Declarant should attend] the Officers of the Customs and aid and Assist them in the Execution of their Office in Searching for the Aforementioned Goods that if any Opposition was Like to Arise he was to Apply himself to the Justices in that Neighbourhood and if he thot it Necessary he was

[9] Lee Mss., I. 17 (3–4), 18 (1–4), 19 (1–2). Last four pages only are in Mass. Archives, LXXXIII. 95–97. Another copy is in Treasury 1. Bundle 449. ff. 100–105.

to Raise the Posse Commitatus to support them the Declarant further says that after he with drew from the Council Chamber the said Collector and Comptroller desired him to Come to the Custom House Immediately after Dinner it being then near one O'Clock says that he went there Accordingly before Three and Received from them the Aforementioned Writt of assistance also another Writt or Warrant for the same Purpose Signed that Day by Foster Hutchinson Esqr. one of his Majestys Justices of the said Country the Declarant further says that After sending a Message to his said Deputy Mr Benja Cudworth (being the Only *Deputy* in Town that Could Attend him) to follow him to the House of the said Malcom he Proceeded with the said Officers of the Customs and two of their Waiters to the said House and Observed as he Approached a Considerable Number of People Collected before the Door and at the Corner of the Streets that he found the front Door of the House and the Gate leading into the yard fastened the Whole House Appearing to be Close Shut up that One of the Custom House Officers knocked at the Door that this Declarant Called for Captain Malcom but Could Receive no Answer that some of the bystanders said they believed he Would not be spoke with that he then went through the Entry of the Adjoining House to the Back Yard hoping to find an Opportunity of Speaking with him there and Prevail on him to Open his Door that he found the Back [fence very high and no] Passage through it and the Back windows all Shut that he got One Mr Brown a Neighbour to get [up so high] as to look Over the Fence and Call Repeatedly for Captn Malcom but no Answer being made the Declarant Returned to the Street and Observing the Number of the People to be increased he spoke to Captn Wm Nichols whom he knew to be a particular Acquaintance of said Malcoms Requesting him to Call said Malcom and if Possible to Prevail on him to Let the Declarant speak with him for that he did not Doubt but he should be able to satisfy him that Every thing had been Done which he or the People Could Desire says that said Nichols went to the Gate Aforesaid and Called for Captn Malcom but Received no Answer that he soon Returned to the Declarant who was at a Very Little Distance and told him that he believed that said Malcom would not be spoke with while the Officers Remained near the House but if they would Retreat to some Distance he thought he might Prevail On him to be seen by the declarant that the Offices of the Customs being Informed of this Walked off to the End off the Street where a Considerable Number of People were Collected that After Remaining there some short

Time said Nicholls Came and Informed the Declarant that said Malcom would not be Spoke with on any terms or Words to that Purpose and he Advised the Declarant to make no Attempt upon the House for that as far as he Could Judge of the Temper of the People a Resolution was formed to Prevent this being forced and that it Appeared to him to be Absolutely Impossible for the Officers with all the Assistance they Could Procure to force an Entry that upon this the Declarant Conferred with the said Collector and Comptroller upon what Measures were best to be tak[en, and] they soon Agreed to Apply to the Justices mentioned [by the Governor for their] assistance and Accordingly they went together to Mr. Justice Stoddard who was the Nearest that they found him to all Appearance ill and unable to yield any Personal aid the Declarant then asked him if he Could not send for some Constable he Replied there were but 2 at that End of the Town and that he Questioned whether they Could be found and if they Could be Apprehended it would be of Little Service he then begged we would Excuse him as he was too ill to give us any Assistance says that he with said Collector and Comptroller went together from said Stoddards House to Mr. Justice Tudors to whom this Declarant shewed the Writts of Assistance that said Tudor very Readily agreed to go with them to Mr. Justice Ruddock and advise with him that as they were Going out they were met at the Door by Captn. Wm. Wimble who told them that hearing they were there he had Come out of Friendship to advise them to Proceed no Further that he had been among the Populace whose Numbers were Increasing fast that he was told that they had formed their Plan that we should Certainly meet with an Opposition which would Probably Cost us Our Lives that he was Informed that the Signal was to be Given as soon as any of the Officers should Atempt the Door that the North Bell was to be set a Ringing and that the Streets would be immediately filled with People the Declarant Notwithstanding this Information went with said Tudor to Mr. Ruddocks while the Collector and Comptroller returned towards said Malcoms House through another Street that upon Meeting with said Ruddock this Declarant told him in the Presence of Mr Tudor what Business they Came upon and Also informed him that he was Ordered [by the] Governor to Call On him as Well as the other [two Gentlemen of] the Peace beforementioned to give all Needful Aid and Assistance [to the King's] officers, and [that his] Excellency particularly Expected of him that he would not Only act as a Magistrate but that as he was a Captn of One of the Kings Batterys he should if Necessary

muster his Company and Arm them to Assist the Declarant in Carrying the Laws into Execution says that After some Conversation had Passed on the Subject Mr. Ruddock declared that he always had been ready to do all in his power to Support Government as well as to Preserve the Peace of the Town that he had formed a Design of a New Enlistment of two Companys of Batterys Men upon a better footing then the former and in Order to Accomplish it had some short Time before thot best to Discharge the Old Company and that he had not then Authority to Command One single Man that had it been Otherwise he would have Immediately sent Out his Clerk to Warn them to Appear the Declarant then Desired he would go with him and Mr. Justice Tudor and try what they Could do by their Presence to Support the Kings Officers and Preserve the Peace. Mr. Ruddock Replied that he was a Very Heavy Man and Unable to Walk far that if he went at all he must be Carried in his Chaise and that he tho't that his going could be of very little Service, adding that he much doubted of the Propriety of a Justice of the Peace being call'd upon to give any other aid to the Executive Officers than by granting a Warrant when applied for and which he was then ready to do if wanted, The Declarant further says that he then advised with Mr. Tudor what was next to be done, and 'twas concluded that the declarant should return back and join the Custom house Officers, while the said Tudor should proceed thr'o another Street and mix [in with the People who were] Collected, and endeavour to prevail on them [to be quiet, and suffer the King's] officers to do their duty, that in a short time said Tudor came to this declarant and told him and the Custom house Officers that he found that the People were determined to with stand them in every Attempt to force Captn Malcom's house that he was told that said Malcom had a number of People in the house with him, who were resolved to defend it with their Lives, and that the numbers without were constantly increasing the declarant then advised with him whether it was best to endeavour to raise the Posse but He and many other respectable Inhabitants who appeared in the streets assured him that it would not only be in vain but highly imprudent, and in their Opinion would make the matter worse for by what they could learn the Scheem was laid to oppose them and the declarant well remembers that it was again said by some Person's in the Company, and he thinks by Mr. Tudor, but cant be positive as to the Person, that the North Bell was to be rung as a Signal to raise the People; and that it would be impossible for us to do any thing and probably we should not

escape with our Lives. The Declarant further says that he then left the Officers of the Custom's and went singly up to a great Number of People who were collected at the head of the street leading to Malcom's house, and expostulated with them sometime, that he was Civilly treated by them, but was assured that no admission into Capt. Malcom's house would be suffered, except the Custom house Officers would go before a Justice and make Oath who their Informer was, the declarant then informed them, as he had before desired Captain Nicholls to inform Mr. Malcom, that the Collector and Comptroller had both made Oath before Mr. Justice Hutchinson that they had received such Information as the Warrant set forth, and that he did not apprehend that the Laws obliged them to tell who their Informer was; a reply was then [made from the crow]'d, but by whom the declarant does not know, that [they knew better, and that the Officers should swear to their Informer] before they should go into the House, the declarant then inform'd them that if the Custom house Officers should think proper to force the House and should be opposed, they knew it was his Duty to command their Assistance, and he hoped that no man there would refuse it, to which the general Voice was, that they hoped no body would hurt him, they knew he was oblidged to do what he did, but they believed that he would have no Assistance except the Informer was discovered or delivered up, the declarant remember's to have heard one Voice from behind him say Aye we'll assist you, but by the manner of pronunciation and tone of voice he took it to be Ironical and either by way of Ridicule or threatening The declarant say's that it appearing to him that the People were determined and that any further expostulations would be fruitless, returned to the Officers (who were standing at a little distance) and observed to them that it grew late and Night would soon come on, that the Streets were continually filling with People that they must be sensible of the difficulty of the Affair they were upon, and that the Warrant would not justify a forcible Entrance into any dwelling house after sun set that he could expect no Assistance from the People who were got together and that it was too late to return up into Town to endeavour to get Assistance there but yet if they thought proper to proceed he was ready to Stand by them and give all the Assistance in his Power that if in attempting to enter the House any Opposition should be made he should immediately Command the Kings Peace to be observed, and if there appeared necessity for it, he should also command in his Majesty's Name all the People who were assembled to assist

them, that this was all he could do, except he found it necessary to read the Proclamation against Riots; the declarant further says that the Officers of the Customs then conversed together, and with some reputable bysta[nders who seemed one and all to think that all attempts to enter said Malcom's house at that] Time would not only be in vain but might probably occasion such Confusion and disorder in the Town that Night, as might be attended with most Terrible Consequences in which Opinion he himself join'd; he further says that the said Collector and Comptroller then determined in order to quiet the Minds of the Populace and preserve the Peace of the Town to proceed no further, but to return home immediately, that the People being convinced that the Affair was over for the present, might disperse before Night came on, and this declarant returned with them to the Province House to inform the Governour of what had passed.

S. GREENLEAFF

Sworn in Council Octo. 1st; 1766.

JNO. COTTON, *D Secry.*

The foregoing Pages contain true Copies from a Copy, which was attested by John Cotton, D. Secretary.

Attested, WILLIAM COOPER, *Town Clerk.*

DECLARATION OF DANIEL MALCOM.[10]

BOSTON, 24 Septr., 1766.

I Daniel Malcom of lawful Age testifies and says that on the Morning of the 24 Instant about eight of the Clock I was in my Chamber and hearing some Persons come into my House, I came down and there found Mr. Sheaff Deputy Collector and Benjamin Hallowell Comptroller of the Customs for this Port, in my Parlour, which surprized me much to see those Gentlemen there as it was so early in the Morning, however I told them to set down, but Mr. Hallowell said there was no time to lose and that Mr. Sheaff demanded the Keys of my House as he said he had an Information against my House, I told him I was sorry they were imposed on, but that I would give them all the Satisfaction in my Power, and without stirring from my Room called for the Keys of my House and asked the Gentlemen to walk with me, and I would shew them all I possessed, and accordingly I shewed them my Out

[10] Treasury 1. Bundle 446. ff. 115–119; in part, in Lee MSS., 1. 23 (1–4).

Houses, then the Kitchen Cellar, and upon being asked to open my Arch I accordingly did, and from thence carried them to the other Cellar, which is a Cellar twenty five feet square, and shewed them that with the Arch in it also, and told them that was all. Then Mr. Hallowell demanded whether there was not another Cellar behind the Partition upon which I told him there was, but that it was not in my Possession as I had lett it to a Gentleman in Town, he asked me who, I told him to Mr. Mackay, Mr. Hallowell told Mr. Sheaff to go and get the Key and he would stay there till he came back, said Hallowell and I waited some time in the Cellar then come up in the parlour and in some time after said Sheaff in Company with said Mackay came to my House, then said Hallowell and Sheaff demanded the Keys of me again, upon which I told them that I had already shewed them all my Apartments, and that I could not shew them any more, then the said Hallowell declared and Swore that he would instantly break open all my House, and asked me how dare I refuse him admittance into my House, and did I know who he was, I told him I did and that he was a dirty fellow, and that if the Commissioners knew him as well as I did he would not be in that Station, and I told him also that the first Man that would break open my House without having Legal Authority for the same, I would kill him on the Spot, then he said he would, and I said why dont you, who hinders you know, then he threatened to have me tryed for my Life for refusing to give him the Key, and told me of one Prendergast who was condemned at New York for Treason and said I should share the same fate, this made my Passion rise and I immediately went and took down two Pistols which had neither Flint nor anything else within them and put on my Sword and desired Mr. Hallowell to be gone immediately out of my House, and as I went to the front Door I saw Mr. B. Cudworth Deputy Sheriff in the Yard, who come up to me and said Capt. Malcom I hope you are not angry with me, I answer'd No, Mr. Cudworth I am not, but if you have anything against me or my Property do your Duty, only mind to do nothing but according to Law, upon which he replyed for my part I have nothing against you or yours, nor I don't know what the Officers brought me here for, and as I came into my Room again I therefore found said Hallowell and Sheaff who again threatened me what they would do to me if I did not open my Doors to them, and said Hallowell said he was a lawful Officer, and so he continued his Talk to me near two Hours, then they all left me and my House with Capt. William Mackay who had been present almost all the whole time, and some time after

about 12 o'Clock of the same Day I went on Change where said Mr. Hallowell came up to speak to me, and he the said Hallowell and said Sheaff told me they wanted me to compound and open my Door to them, and if there was anything there they would not do me any harm, upon which I told them if they had a Right to break open my House they might, but if they persisted in breaking open my House I would take all Legal Methods to have myself righted, and told them I had not anything in their Power, and that they might do what they could but they should never come into my House without they should by breaking open my House. About 2 o'Clock in the Afternoon I came home and a few Gentlemen came to see me in my Distress from regard to me and my Family, who staid with me and after Dinner I secured my Gate and all my Doors and Windows on finding the Officers were coming down with the high Sheriff, there was in the House with me at that time, Mr. Pigeon, Mr. Mackay and Mr. Rust, with myself and Family, indeed to see so many People round my House I did not know what would ensue, and I knew if I opened my Gate I should have my House almost destroyed, so accordingly I advised with those Gentlemen, and we all agreed to set in the House and if they broke it open to take notice and Witness the same and pursue them according to Law, we had prepared no Arms nor any Defence whatsoever for indeed I had enough to do to keep my Wife and Family quiet. I heard that Mr. High Sheriff came to my Gate but heard no Persons call me except Wm. Nickells, but as there were a great many People in the Street and I closely employ'd in keeping my Family easy I did not think proper to open my Gate or to speak to any Person, as I heard that Mr. Hallowell at that time came not nearer than Mr. Matthew's Meeting House which is near 100 yards Distance from my House, however after Sun down the People encreased in the Street and then I advised with the Gentlemen within, whether I had not better give the People a few Buckets of Wine and speak to them to go home and do me no harm, for indeed I had nothing to lose in my House that the Officers could hurt, and that I only stood out to know whether they had a Right to break open my House, and the People all went away except a few Gentlemen that came in to spend the Evening with me, and I do further declare that I had not any illegal Goods of mine in my House or Store or Cellars or in the World to my Knowledge at the time or before or since, for my full determination was if they should break open my House to pursue them in Law as far as Justice would go, which I should have done had they broke open my House whereas Mr. Hallowell

has declared in his Affidavit that I said I could have assistance enough and did not care for any Officer, that if such a thing as coming to search peoples Houses was suffered to be, the said Hallowell would be served as he was before by the Mob, which I declare I never said such things nor never thought of them, but asked him if he knew the Scripture that if a stronger Man entered into my House than me he must take all my Goods, but if I was stronger I would prevent it if it was not legal and according to the Law of my Country, and that if such things as them were allowed of there would be no living and asked him whether he was come to pull my House down with a Mob, for he was breathing all the Threats in his Power against me, I told him I defied him, that I lived independent of Custom House Officers and put them to their defyance to hurt me for I despised running any Goods, or offering any Bribes for that was not my way of Life and as to the Number of People at the time of the high Sheriff being at my Gate I cannot exactly say, I only peeped out of my Window but believed there was not more than fifty if quite so many, and all appeared in good order, and I do declare that I never encouraged any Person to come to my House or asked them in the way of Safe Guard, nor was it in my heart, except that I asked Mr. Pigion, Mr. Mackay and Mr. Rust, in order that they might be Witness how [I] behaved, and I do further declare that I never saw any Writ of Assistance nor any other Power or Authority whatsoever to break open my House, and if I had I am sure I would be the last Man in the World that would stand against it, as I only wanted for the good of the Country to know whether they would break open Houses, and then intended if they broke my House according to Law I never would say no more, but was fully determined if they broke open my House to pursue them according to Law, as long as I had a penny left.

Dan: Malcom.

Boston, Oct. 21. 1766.

Suffolk Ss:

The above named Dan Malcom personally appearing made Solemn Oath that the afore written declaration by him subscribed is in all respects true. before me,

Edmund Quincy, *Jus: peace.*

Declaration of William Mackay.[11]

I William Mackay of Lawful Age testifieth and sayeth That on the 24 of September in the Morning I saw Mr. Sheaff the Deputy Collector going into my Gate, on which I went to the Gate and called to him, who was then knocking in my Entry, then said Sheaff told me he had an Information that there was Run Goods in Captain Daniel Malcom's Cellar and he came to me to get the Key, also told me to give him the Key immediately for there was no time to be lost as the other Custom House Officers was at said Malcom's House waiting for the Key, I told him I thought it was very extraordinary Proceedings to search private Dwelling Houses, and did not think that he was the first Occasion of it; he demanded the Key again and I told him I did not know where the Key was, but would goe with him to Captain Malcom's, accordingly we went and when we came near the House found it was beset by several Custom House Officers and Benjamin Cudworth Deputy Sheriff, and when I went into said House I saw Mr. Hallowell and Captain Malcom in the Parlour Talking (as appeared to me) very pleasantly on which Mr. Hallowell asked for the Key, I told him I had it not, and I also told said Malcom it appeared to be War Times, and asked him if he knew that his House was beset by the whole Possey of the Custom House Officers and Mr. Cudworth the Deputy Sheriff, on which Captain Malcom was angry and told Mr. Hallowell that he had nothing to fear nor nothing to lose and that he had shewed him Cellars and places enough to satisfy any Custom House Officers in England, Scotland or Ireland, even any Officers on the Continent except himself, that he always looked upon Mr. Hallowell to be a Gentleman but was sorry to tell him he had occasion to alter his Opinion, on which said Hallowell threatened to break open the Cellar Door; then Captain Malcom swore the first Man that offered to break Lock or Door of his without Legal or Lawful Authority (and he to be satisfied of that Authority) that minute he should go to Eternity and took down a pair of large Pistols and a Sword, altho' the Pistols where not loaded nor had any Flints in them, then Mr. Hallowell called me aside and begged I would advise Malcom to open the Doors and if there was anything there that he would endeavor to make it as easy as possible and that for Peace sake he would give up his Part and Mr. Sheaff would do the same, altho' I did not believe

[11] Treasury 1. Bundle 446, fo. 103.

him neither did I tell Captain Malcom of it, at that time I said that I thought it was very extraordinary proceedings to break open private Dwellings, that I always understood a Man's House was his Castle, and that it could not be broke open unless for Murder, Treason and Theft, and Malcom was determined to make a stand and to know whether they had Authority to break open or not, that if there was anything in the Cellar they must break every Lock and Door 'till they come at it, and then People would know what foundation they stood on. That Mr. Hallowell and Captain Malcom had very high threatening Words and Mr. Hallowell threatened Malcom if he resisted he would be as bad as Prendergast at New York, That Mrs. Malcom was very much frightened and I was afraid she would go into Fits as her Colour entirely left her Face and she looked as pale as Death with the Tears running down her Cheeks like Streams, she crying and screaming and the Children almost frightened out of their Senses, some run one way and some another and the House all in an Uproar looked terrifying, and I endeavoured to pacify her telling her they could do her no harm (meaning the Officers) Then Mr. Cudworth beckoned to Me and I went out to him in the Yard and he told me not to make ourselves uneasy for he had no Authority to break any Place open, on which I told Captain Malcom what Cudworth said. Further I believe Mr. Hallowell misunderstood Captain Malcom when said Mr. Hallowell says that the said Malcom told him if he persisted in breaking open Dwelling Houses he would be served as bad as the Mobb served him before on account of the Stamp Act, but Malcom said to said Hallowell that he was going to serve Malcom the same as Hallowell's House was served by the Mobb. That is if he broke open his Locks and Doors, and that I don't remember that ever Malcom said he could raise any Assistance or wanted any except himself in the whole Course of the Dispute which lasted above an Hour and a half, that Malcom often told Mr. Hallowell that if he searched every part of his House and Cellar he would not lose one farthing, and that he had nothing of that kind to lose (meaning Runn Goods) which I know was true, and I also declare there was no Goods of mine in his Cellar of that kind, Vizt. Runn Goods, That after staying there a long time near two Hours Mr. Hallowell said they would go and consult further on the Affair, and accordingly they all went away, and Capt. Malcom and I went up in King Street where we had some Discourse with Mr. Hallowell and Mr. Sheaff on the same, when they advised us to open the Doors and it would be better for us, That Mr. Hallowell told me that this

Affair would be of bad Consequence to the Town and Province, that they must have a Regiment of Soldiers here to assist them in doing their Duty, I told him if Soldiers were sent for, it would be his Fault and not ours as we wanted none. That in the Afternoon of the same Day Captain Malcom had advised with me and Mr. Pigeon and some more of his Friends how he should behave when the Officers came the second time, the result was, that he should shut up his House as fast as possible, and have two or three Friends as Witnesses in Case anybody should break open His Gates or Doors, and that he would prosecute them at the Civil Law. Accordingly we heard the Officers were coming, then all was shut fast, Window Shutters, etc. That Mr. John Pigeon again asked Captain Malcom how he intended to behave in Case any Officers should break into his House, he answered I have no Notion of killing anybody and desired us to bear Witness in case the House was broke open that there were no Fire Arms prepared nor any Sign of any Opposition in said House, that I looked by the Window Shutters several times and saw Mr. Sheriff Greenleaf come up to the Gate and lift the Latch, then turned and talked to the People that was in the Streets, which appeared to be about forty or fifty, who seemed to be standing in different Parties and seemed very quiet and looked with melancholly Countenances. Some time afterwards we heard the Officers were all gone off, then it began to grow Dark, and then Capt. Malcom with our advice gave the People several Buckets of Wine, and desired Captain Jarvis to divide it amongst them which he did mixing it with water, and when they had drank the Wine they hollowed out "Good Night to You Gentlemen we thank you" — and accordingly they all dispersed except a few Gentlemen that spent the Evening at Capt. Malcom's. And further that there were no Man in said Malcom's house when they came the second time, but said Mr. Malcom, Mr. John Pigeon and Capt. Enock Rust and myself

WM. MACKAY

BOSTON, Octr. 20, 1766.

Suffolk Ss.

The above named W. Mackay personally appearing made Solemn Oath, that the fore-written Declaration by him subscribed is in all respects true. before me

EDMUND QUINCEY, *Justs Pacis.*

Declaration of Benjamin Goodwin.[12]

Boston, Septr. 24, 1766.

Benjamin Goodwin of lawful Age Testifies and says That on the 24 Sepr 1766 I went to Capt. Daniel Malcom's House about three oClock in the Afternoon, he told me the Custom House Officers had been to search his House, and he had not anything in his House that was seizable not to the value of one Sixpence but he was determined to know if the Officers had any right to break open his House or not, and that if they did without Legal Authority (as he looked upon his House to be his Castle) he'd shoot the first Man that broke open his Door, upon this some Person told him they were coming again and was not farr off, he said I'll shut my Doors and see who'd break them open, if any Person has a greater Right to this House than I they must take it from me, then I went out and he shut the Gate and Lock't up his Doors, soon after the Officers came near the House Captain Malcom shut up the Window Shutters and I don't think saw any of them the whole time they were there, I was there during the whole time the Officers stayed and never seen them try his Gate nor offer to break open any Door, after they had been there some time People that was passing by about their Business seeing the Officers in the Street askt what the Matter was and stood and talk't five 5 or 6 or so, and I never saw People that was going to a Funeral behave more Solemn and concerned than they did, not the least noise nor disturbance no more than if Mr. Whitfield had been preaching, after some time the School was done, which was in sight of Captain Malcom's House,[13] the Boys came running along and they got together enquiring what the Matter was, the Officers went away and came again, the high Sheriff ask't Captain Cluston if he'd assist him, he said yes if he'd bring the Informer and let him come and assist too, for that was the way in the old Countrys, then soon after the high Sheriff ask't me if I'd assist him, I told him I had a very good Regard for him and would do anything to serve him, but should not care to go when the first attempt was made, he askt me why? I told him I knew Capt. Malcom was a very resolute Man, and more especially when he thought himself in the right Cause, and I

[12] Treasury 1. Bundle 446, ff. 105–106.

[13] This tends strongly to show that Malcom was now living on Bennet Street. The school-house probably was not visible from Malcom's former home on Fleet Street.

made no doubt but if any Person went to break open his Doors without first showing him legal Authority that he'd fire upon them, and it was a hundred to one but somebody wou'd be kill'd on the Attempt, but after they secured Captain Malcom I offered him any assistance I could. Mr. Sheriff said he did not regard that for he cou'd dye but once and it was equal to him which way he dy'd and if he was sure they wou'd fire off ten Pistols right at his Breast, if he was in the execution of his Office he'd do his Duty, and the Person that kill'd him wou'd be hanged, the People that stood by said, Mr. Greenleaf we will all assist you, ah! said he that looks likely when you say you'd not go near the House, but says Mr. Sheriff my Advice is to the Officers to goe off, but if they will use Violence and force the Doors I must assist them, and Command your Assistance, then I told him I made no Scruple but every Person there was ready to assist him for I see no People here but Spectators and I don't suppose there was above twenty or twenty-five Men there besides the Officers and about as many School Boys. Mr. Greenleaf talk't with Mr. Hallowell a few Minutes and went off and they all went away, and in the whole Transaction I never saw the least disturbance, and in the Evening the Boys made a talk about the Informer and said it was one Richardson and that they knew where he lived and that they'd goe and give him three Cheers for the great Prize he'd got, but never heard Captain Malcom ask one Person to assist or to stand by him, nor even intimate that he wanted anybody there only he wanted to know if they had a Right to break open his Doors, for the Scripture saith when a Stronger than he entered His House they must take away his Goods, and I can't help myself, but if they force my Doors contrary Law I'll prosecute at the Civil Laws, etc.

BENJAMIN GOODWIN.

BOSTON Octr. 20, 1766

Suffolk Ss.

The above mentioned Benjamin Goodwin personally appearing made Solemn Oath that the Declaration fore-written by him subscribed is in all respects true. Before me

EDMUND QUINCEY. *Jus: Pacis.*

Declaration of Enoch Rust.[14]

Boston Sepr 24th 1766

Enock Rust Testifieth and sayeth that on the 24th Sepr 1766. As I was going to my Store I stopt at Captain Daniel Malcom's House, who seemed very glad to see me and after a small Ceremony he began to acquaint me that the Custom House Officers had been there, and I told him that they had an Information that he had Wine or Brandy that was not legally imported, which he told me very much surprised him, but he was ready to satisfy them to the contrary by shewing them all his Appartments and accordingly he did, and told me that did not satisfy them but they insisted on seeing the inside of a Cellar he had lett, and told them he had lett it, and that therefore he could not open it, he told me they positively insisted on its being open'd and that he the said Malcom insisted it should not be broke open without shewing him a Legal Authority for so doing. While he was telling me the above Transactions there were several Gentlemen came in and just as he had made an end, somebody came to the Door and told him that the Officers were coming again, Captain Malcom ordered his Gate and doors to be bolted for he wanted none of their Company as they had treated him very roughly in the fore part of the Day, and that he was determined they should not come into his House without shewing him a Legal Authority for so doing, I spent the Afternoon with Captain Malcom, Mr. John Pigeon and Mr. Wm. Mackay and I never saw Captain Malcom put himself into any Posture of Defense either with Sword Gun or Pistol, or any Weapon of War whatsoever. I further certify that Capt. Malcom behaved all the afternoon with a good deal of Moderation and calmness, and I heard him bid his Wife to make herself easy for there would no hurt be done. I further certify that I never heard anybody call to Captain Malcom to open his Gate or Door that afternoon and I was with him from about two 'till between six and seven, and I heard said Malcom say several times let them break open if they please and if they do I will try them out by Law if they do anything Illegal. It is my Opinion that had the Officers shewn Captain Malcom proper Authority he would have opened his Doors, or had they broke his house open there would not have been a hair of their heads hurted by him or anybody in the House; there were a number of People in the Street but mostly Boys as far as I could Judge which I knew

[14] Treasury 1. Bundle 446, ff. 106–107.

nothing of and I believe Captain Malcom knew as little of them. The People in the Street appeared to be good order and sober and I do believe not more than fifty Persons as I looked out of the Windows once or twice after Night the Street appeared to be pretty full and Captain Malcom consulted with us whether he had not better give the People a few Buckets of Wine and we agreed to it and said Malcom ordered them a few Buckets and they went off entirely, And further the Deponent saith not.

ENOCK RUST

BOSTON Ocr. 20. 1766

Suffolk Ss.

The above mentioned Enock Rust personally appearing made Solemn Oath that the aforewritten Declaration by him subscribed is in all respects true. Before me

EDMD QUINCEY, *Jus: Paces*

The foregoing Pages contain true Copys from the Original Depositions.

Att. WILLIAM COOPER, *Town Clerk.*

SUNDRY DEPOSITIONS.[15]

Moses Tyler of lawful Age testifyes and Says that on the 24th Septr. last past as he was passing by Mr. Matthers Meeting-house he saw a Number of People Assembled and heard that the Custom House Officers were going to make a Seizure on Capt. Dan Malcombs House and while he tarried there the people behav'd with good Order and decency but he did not know of any Counterband goods being in the said Malcomb's house, and I never heard that said Malcomb desired any person to come to his house by way of safe guard, or to hinder the officers from searching for any supposed run goods.

Edward Jarvis of lawful Age testifies and says that on the 24th of Septr. last as he was passing by Mr. Matthers Meeting-house and saw a Number of People collected together and was told that the Custom House Officers were going to make a Seizure of Goods in Capt. Daniel Malcomb's House, that while he was there the people assembled behaved with decency and good Order and

[15] Treasury I. Bundle 446, ff. 108–115.

without the least appearance of a Riot nor did I ever hear said Malcom ask any Person, nor never heard any person say that he asked any by way of guarding him or hindring the Officers to search for the Supposed run Goods.

Edward Jarvis

John Ballard of lawful Age testifies and says that on the 24th of Septr last passing by Capt. Danl Malcom's house he saw a small number of Peoples (among which were several of the Waiters belonging to the Custom House) upon which he asked the reason of their Assembling and for answer was told the Custom House Officers were coming to break into Capt. Malcom's house to search for run goods, upon which I tarried in Order to see what was done, and in a short time after the Sheriff and Mr. Sheaf came to Capt. Malcom's gate and found it fast and they walked to and from said Gate till near sun down during the time I was there the people assembled behaved with decency and good Order and had not the least appearance of a Riot, I never heard the said Malcom desir'd any person to come to his house by way of guarding it or hindering the Officers to search for supposed run goods.

John Ballerd

John Motchet of lawfull Age testifies and says that hearing the Custom House Officers and a number of People were collected near Mr. Mathews Meeting House he went to see what they were doing and upon inquiring he was told they were going to make a seizure of contraband goods in Capt. Malcom's house while he was there the people behaved with decency and good order and offered no insult to said Custom House Officers nor to Sheriff Greanleaff nor did he hear of Capt. Malcom offering violence to any Person nor did Capt. Malcom invite said Deponent to come there nor did he invite any other person to this Deponent's knowledge, Capt. Malcom's gate was shut and to the best of my knowledge the Sheriff nor said Custom House Officers did not see said Capt. Malcom that afternoon being the 24th of Septr last past.

John Motchet.

Caleb Hopkins of lawfull Age testifieth and sayeth that on the 24th Septr last about 3 oClock post Meridium as I was coming up from my Vessel to my House I saw some people standing at Mr. Mathews meeting House and coming up to them I saw the

high Sheriff attended with all the Custom House Officers and tide waiters with about twenty or thirty people who were standing about the high Sheriff and Mr. Hollowell upon inquiry I was told they were going to break open the House of Capt. Danl. Malcom upon Suspicion of counterband Goods being there, I then passed on and meeting some Gentlemen asked them if they would go into my house with me which they accordingly did, I then enquired what was the matter seeing so many of the Officers had gathered themselves together in such an unusual manner and after setting for a small time I had a mind to see what they intended to do with the house and seeing a Number of Gentlemen stopping out of Curiosity to see such a thing as the breaking open a mans house which thing was not common in this Country, and I also had the same Curiosity and made one of the Spectators we had a good deal of laughter and Merriment amongst ourselves on the Occasion while I stood looking on with the rest of the Gentlemen the School broke up when a number of boys coming out of School made some show of People but not the least noise or disturbance or anything that tended that way but every one in my opinion expected to see something that was new but upon Mr. Bakers saying the Officers were gone off with their Company there were not many left in the Street but some Gentlemen that were Spectators with myself, I then went and knocked at Capt. Malcom's Gate, when he came and opened it and in coming into the Room I saw Mr. Pigeon, Mr. Mackay and Capt. Rust sitting smoking their Pipes in a merry humour; I set with them and we had a little laughing upon the Occasion, and I heard him Capt. Malcom say that if they had broke his house open that he was determined to prosecute to the utmost of the Law but as to any resistence against the Officers there was none offer'd nor did I hear of any to be offered by Capt. Malcom or anybody else nor did I hear that Capt. Malcom ever desired any person to assist him or to come to make any stand or resistence against the Officers nor did I see any Arms of defence and I do really believe if they had broke open the house that no hurt would have been done them by any person either in Capt. Malcom's house or in the Street.

Caleb Hopkins

Thomas Kimble of lawfull age deposeth and sayeth that as I was coming home to my house I saw a Number of people about Capt. Malcom's house and I asked what was the matter they told me they did not know and I was going into my house I met

Mr. Greanleaf and he asked me if I could not get to Capt. Malcom's I told [him] there was no way I could get to him the people were all Civil and quiet and not the least appearance of any disturbance whatsoever Capt. Malcom never asked me to assist him in anything at all in regard to making any resistence against the Officers breaking open his house nor did I ever hear he ask'd any person as I live next door to him the said Malcom.[16]

Thos. Kimble.

I Paul Rivere of lawfull age testifieth and Sayeth that as I the Subscriber on Wednesday 24th Septr last between 3 and 4 oClock post meridium was going to the north part of the Town I saw a number of men I believe about fifty standing near the Revd Mr. Mathews meeting house and in the lane leading to the North Grammar School I went up to some of them and asked why they were standing there they told me that they understood the Custom House Officers were agoing to break open Capt. Malcom's house to search for some casks of Wine that had been run, I stopt some time I believe about an hour and asked where the Officers where they they told me they were gone to get assistance from some Justices of the Peace, soon after Capt. Benjn Holowell came (I thought he looked very angry) a number of Gentlemen gathered round him, soon after Mr. Tudor come and then Mr. Sheriff Greanleaf, I saw a number of People gather round him but I did not hear any of their discourse only Mr. Greanleaf asked them if they would assist him in the discharge of his Office I think I heard Mr. Benjn. Goodin say he would assist him out of doors but would not go into Capt. Malcom's house. While I was there I did not see any officer go near Capt. Malcom's house if they had they might have spoken to Capt. Malcom for as I passed by Capt. Malcom's house going down the lane to Mr. Gardner I saw Capt. Malcom look through the Window I am certain the people that were gathered there had not any intent to hinder the officers in the discharge of their duty but would have protected them all that lay in their power I did not hear that the old North bell was to ring nor that Capt. Malcom had encouraged any person to come to his Assistance, and while I tarried there the people behaved with decency and good order.

Paul Rivere

[16] The Malcom lot on Bennet Street was bounded "westerly on land of Thomas Kemble and heirs of Nathaniel Brown 118 feet." — Suffolk Deeds, 108. 154.

We the Subscribers Samuel Harris and Samel. Aves both of Boston of lawfull age declare that on 24th Septr. 1766 hearing that a number of the people with the Custom house officers were about Capt. Danl Malcom's house we went there where we saw a number of people of all ranks but all peaceable and quiet nothing riotous or tumultuous among them, and about eight in the Evening they all drew off peaceable and quiet as above written we can Attest

SAMUEL HARRIS
SAMUEL AVES

Benjn Harrod of lawfull age testifieth and sayeth that on 24th Septr. 1766 as he was going from his home to Mr. Hancock wharf between 3 and 4 OClock post meridium Just as he came to the Corner of the Revd Mr. Mathews Meeting house he saw the high Sheriff the Collector Comptroller and several other Custom House officers coming down middle Street, and by what I could gather were going to Capt. Danl Malcom's upon which I stepped to see what they were after and as there was several persons passing and repassing seeing the Officers at Capt. Malcom's gate they stepped to enquire the reason of their coming there and it was said by some that they had Information of some goods being in said Malcom's house which they were after I then saw the high Sheriff knock at the gate and after some tarry he with the rest of the Officers came away and went down towards Mr. Hancock's wharf and after they came back again and knocked again but no body appeared and then they went away and I think come the third time, but as nobody appear'd they went homeward I tarried till they went away and as to the persons that were in the Street they stood and looked on and behaved in a very decent and orderly manner and I never heard one person speak in an unbecoming manner from beginning to Ending and that I never heard Capt. Malcom or any person in his name desire any person to come to said Malcom's house in order to be a safeguard or assistance to him on the contrary coming by in the Evening I went into said Malcom's house and told [him] that there were a number of men and boys at the Gate and I would have him go out and desire them to go of upon which he thought the best expedient to get them of was to give them a pail full or two of Wine and after that was done they dispersed and no more appeared.

BENJN HARROD.

Boston, Septr 24th, 1766.

I John Pigeon of lawfull age do testify and declares that this day, about 2 oClock I called at Capt. Danl Malcom's house being led to make this visit in consequence of a report I heard about an hour before that the Custom house Officers had been to said Malcom house on some business and that some very warm words had ensued between said Malcom and Benjn Hallowell Esqr. the Comptroller and hearing the story only from common report, which I am sensible frequently is far from being extant induced me to go to Capt. Malcom's and enquire the Truth of the Story on which he told me that the Custom house officers and a deputy Sheriff had been there to search his dwelling house for some effects illegally imported and that he readily shewed them all the Oportments and out-buildings that were in his own posession and that he had assured the Officers that he really had no goods in his possession but what were legally imported and dutys paid on them, said Malcom then said and what I said Mr. Pigeon is actually true for I have none nor have I had any since the house was mine on that I said I observe Capt. Malcom that you make a distinction in your Discourse, and said that you shewed all the house that was in your Possession, pray do you not possess the whole house? you have no tenant have you he told me that Capt. Mackay having some lumbring goods and I think he named them as Blocks, Junk and old Cordage had occasion for more room than his own house afforded and desired him said Malcom to let him his cellar to put them in and that he did let one of his Cellars to said Mackay a Month or two ago, I thus asked Capt. Mackay whether he had not some goods or effects that was his property in said Cellar not illegally imported he told me he had none, I thus asked Capt. Malcom how it come that as he nor Mackay neither had Effects that was seizable in that Cellar that he did not gratify the Officers he said that they refused bringing the informer which he thinks the law requires and also that Capt. Hallowell used him with great rudeness which had angred him, but that for his part al tho he thought it cruel hard that the private recesses of his house should be liable to be searched on every trifling Information be it true or false he would risque his life rather than submit to it unless the law actually allowed it and every Step the law required was regularly pursued yet that he was not such a madman as to desire to oppose the laws of the government and therefore desired me to stay a few hours as he thought it not unlikely that he should be paid another visit he also desir'd Capt. Willm Mackay and Capt. Enock Rust, to stay and be

witnesses to his behaviour, accordingly we then staid in his house and were the only persons there except said Malcoms family Capt. Malcom then said that he could not think the law allowed a private dwelling house to be forced open and that he was sure it was not known to be so, but was generally thought that every one's dwelling house was sacred from insults or breaking open and he was determin'd to put it to a Tryal and if the law allowed it that then his house should be forced from step to step according to the form prescribed by the Law and that if they took any measures the laws would not bear them out in he was determined to prosecute them to the utmost Severity of the Law and beg'd the favor of us three to stay as long as we could for witnesses of the whole transaction and that said Malcom ordered the gates to be bolted and the doors of the house to be locked and bolted and the window Shutters shut too, I asked said Malcom that how he would behave if the Officers did break in, he said he did not intend to kill or even abuse them but if they proceeded wrong he would trounce them at Law I further declare that during the afternoon I did not see any fire arms prepared or any preparation whatever to oppose the Officers neither did I hear said Malcom desire any person to come to his house as a Safeguard but only us three as above for witnesses, said Malcom in the afternoon was applyed to for wine to give a number of People assembled in the Street he declined it as he said it might possibly be understood to be done to influence the People and make them disorderly however after sun down and the officers retired, and said Malcom being again applyed to for some drink he was advised to let them have some, and he gave them some wine and desired them to retire to their Places of abode.

JOHN PIGEON.

Benjn. Burt of lawfull age doth testify and say that on 24th Septr last hearing the Custom house Officers were gone to Capt. Danl Malcom's in search of goods said to be concealed in his house, went that way where he saw a number of People assembled who all behaved very orderly in the evening went to said Malcom's house where he found a number of Gentlemen visiting with whom he tarried about an hour never heard of any opposition being made the Custom house Officers nor of Capt. Malcom's getting anybody to his Assistance.

BENJN. BURT.

Boston, Octr 20th, 1766

Suffolk Ss.

The several Deponents who have respectively subscrib'd the eleven forewritten declarations viz. Edwd Jarvis, John Ballard, John Motchet, Caleb Hopkins, Thos. Kimble, Paul Riviere, Saml Harris, Saml Avis, Benjn Harrod, John Pigeon, and Benjn Burt,[17] All and every of them personally appearing made solemn Oath that the several depositions are in all respects true

before me

Edmd Quincy, *Just. peace*

Second Deposition of Nathaniel Barber [18]

Whereas I the Subscriber have sworn before His Excellency the Governor in Council that I heard the North Bell was to ring when captain Malcoms House should be attacked by the Custom House Officers, and whereas Justice Tudor, has sworn before the same Authority that I thus informed him, and that I further added that it was to be a signal to assemble the People. I do declare that I do not believe any such thing was ever designed, or remember ever saying anything to said Tudor about ringing the Bell, and believe said Tudor is mistaken in regard to his Informant, I heard from some transient Person a Report that the Bell was to be rung, but gave no credit to it. And as the Scholars were about that time dismissed from the Latin School in the Neighbourhood I took it for granted the report was raised by them, for from the appearance and behavior of the People assembled who were worthy Gentlemen and good sort of People, there was not the least appearance of disorder, much less Opposition to any legal Authority. To the best of my Judgement the number of People assembled did not exceed one hundred, and their behavior for decency and good order exceeded any I ever saw.

Nathl. Barber.

Boston, Oct 16. 1766.

Boston, Ocr 20 1766.

Suffolk Ss.

The above named Mr. Nathaniel Barber personally appearing made solemn Oath, that the forewritten declaration by him signed, was in all respects true, before me

Edmund Quincy, *Jus: paces.*

[17] Moses Tyler omitted.

[18] Treasury 1, Bundle 446. f. 114. An attested copy is in Lee mss., 1. 20 (1), attestation as in subsequent papers being made by William Cooper, Town Clerk.

Second Deposition of William Nickells.[19]

William Nickells of lawful Age declares and says, that when he advised the Sheriff not to enter Captain Malcom's House forceably (as appears by his Deposition taken before the Governor and Council) it was his own opinion and he apprehended it to be Captain Malcom's also, that said Sheriff had no lawful Authority so to do, and that when he said that Captain Malcom was a resolute Man, and that there would be danger from within the House, he only meant that Capt. Malcom would resist to Violence, an unlawful Entry into his House; but that he believes he Capt. Malcom would not have made the least Opposition to Lawful Authority; and that he explained himself in this manner before the Governor and Council, and further he declares that the People appeard so quiet and peaceable, that he did not apprehend or believe that any person or persons, had or did design to make the least Disturbance.

William Nickells.

Boston, Oct 20, 1766.

Suffolk Ss.

The above named William Nickells, personally appearing made Solemn Oath that the contents of the forewritten declaration by him subscribed is in all respects true before me

Edmund Quincy, *Jus: Peace.*

Second Deposition of William Wimble.[20]

William Wimble testifys and says that when he told the Sheriff as set forth in his Deposition before the Governor and Council, that the Bell would ring and then the Streets would be filled, he meant and now explains it that it was the Opinion of the People that the Informer had hid himself in the old north meeting House and that he would ring the Bell in order to make his Escape in the Crowd which would be collected thereby, that he had no apprehension, that any other Person would Ring the Bell or take any other Method to raise a Collection of People to oppose the Custom House Officers, every body appearing to him to be very quiet and peaceably disposed.

Wm. Wimble.

[19] *Ib.*, f. 115. Attested copy is in Lee mss., i. 20 (2).
[20] *Ib.*, f. 114. Attested copy is in Lee mss., i. 20 (3).

Boston, Oct 17. 1766.

Suffolk Ss.

Capt. William Wimble made Oath to the truth of the above Deposition by him subscribed. Before me

Joshua Winslow *Jus: Peace.*

[Endorsed:] [21]

No. 3. Depositions [Papers] relating to the Affair of Daniel Malcom of Boston [directed to be laid with the other papers before Mr. Attorney and Solr. General] transmitted by the Agent for the Colony of Massachusetts, to his Majesty's Secretary of State and directed to the Lords of the Treasury to be laid before Mr. Attorney and Solr. Genl.

William How to Charles Lowndes.[22]

Sir, — The Commissioners having received a Letter from the Collector and Comptroller of New London of the 14th May 1766 and one from Capt'n Durell of his Majesty's Ship *Cygnet* on that Station of the 14th of August, have ordered a Case relative to the Points therein to be laid before the Attorney General for his opinion thereon but the advices appearing to be of moment the Commissioners have directed Copies of these papers to be herewith transmitted for their Lorships information. . . .

I am, Sir, Your most Obedient humble Serv't

Wm. How.

Custom House, London,
26th September 1766

[Endorsed:] Sep'r 26h 1766 Mr. How of the Customs with Inclosures from America. Inclosures to be copied for the Chancellor. Read Oct'r 2. 1766. Customs Lre 5 Wrote to Co's Customs as Pr Minute.

[Enclosure.]

From the Collector and Comptroller of New London

We are favoured with your Honours Letter of the 10th Jan'y, a few Weeks before it came to hand Mr. Stewart received the following one from the Merchants of this District.

[21] To include ff. 103 to 118, all stitched together. Words in brackets were struck out.

[22] Treasury 1, Bundle 453. f. 195.

To Duncan Stewart Esq'r Collector of His Majesty's Customs in the Port of New London and Colony of Connecticut.

Sir, — We the Subscribers Merchants in the Colony of Connecticut aforesaid, being of Opinion that the Form of Oath required of Masters of Merchant Vesels Inward, as now practised in the Custom house of said New London is not agreable to the Acts of Parliament relative thereto, The Form of Oath now in Use need not be transcribed as it is in the Customhouse, As far as We are able to discover the Oath required of a Commander of a Merchantman by Act of Parliament on Inward Entry, it is in the following Words, Stat. 14 Car. 2. Cap: 11 Par: 3 Viz't.

"The Master etca of such Ship or Vessel, shall make a just and true Entry upon Oath, of the Burthen, Contents and Lading of every such Ship or Vessel with the particular Marks, Numbers, Qualities and Contents of every Parcell of Goods therein laden, to the best of His Knowledge; also where and in what part she took in her Lading, of what Country built, how manned, who was Master during the Voyage, and who are Owners thereof." The Act further adds, and in all Out Ports or Members, to come directly up to the place of unlading as the Condition of the Port requires, and will admit, and make Entry as aforesaid upon the penalty of the Forfeiture of One hundred Pounds.

And as We cannot find a Statute that Authorizes the Collector to require any other than the aforesaid Oath, nor any other Interogatory Questions whatever on a Merchantmans Inward Entry touching the Voyage on Oath. We hope unless there be a Statute that provides some other Form of Oath, in this Case, or gives the Collector Authority to interrogate the Master on Oath at his Discretion for the future The form prescribed by the Act aforesaid will be made the rule in the Customhouse in New London and no other.

The 3d Par: in aforesaid Act provides that Commanders of Men of War British and Foreigners as well as Merchant Ships that take Merchandize on board Outward bound shall give Officers of Customs Invoices thereof under their Corporal Oaths and answer Questions etca.

And Commanders of Men of War British and Foreigners to do the same Inward (but not Commanders of Merchant Ships on Inward Entry) The Act 15 Car: 2d Cap 7 Par: 8. makes it the Duty of a Commander of Merchant Ships, Outwards and Inwards, to give a true and perfect Invoice of the lading and the place where laden (but not on Oath) on Forfeiture of Ship, Guns, Tackle and Apparell, and all European Goods not Shiped in Great Britain.

In the Act first mentioned the Penalty is only One Hundred Pounds, And the last mentioned Act is vastly greater, as the case may happen therefore it is a question which appears to us of consequence, whither the Oath prescribed in the first Statute is not supeceded by the 2d Statute. within mentioned.

As We have not the least Intention of objecting to any Act of Parliament relative to Trade, so We are assured you have not any

desire to establish any Rules in the Custom house that are not supported by Act of Parliam't. And when you have considered the Subject Matter of this Letter, and Answer thereto will highly oblige, Your most Humble Servants

Signed by 8 Merchants.

The Reply we made was to shew them your Honors Letter of the 10th Jan'y, and Article the 31st and 32d under the head of Ships in Saxby this however has not entirely Satisfied them, as they say, *and that I have not* broke Bulk, is not particularly mentioned in the Statute, and that the Queries are not to be answered upon Oath, but as We look upon it as a very material part of the Oath, We shall always persist to insist upon it.

The Objection that has Often times been made (altho not mentioned in their Letter) to the following Words, in the Form of Oath to the Report of Ships Outward We think reasonable; And *that I will not suffer to be landed, in any other Port or Place,* We therefore insert, *And that I intend the Goods etca* as We are humbly of Opinion this alteration can have no ill consequence.

We further beg leave to Observe to your Honours, that it being considered for the good of the Revenue, the Surveyor General ordered Us to advertize, that all Inward Vessels excepting Coasters, should come into this Harbour and make report before they presumed to proceed to any other part of the Colony within this district. The greatest part have since done so, but some others have proceeded to the Spot they happen to belong to, without paying any regard to the Advertizement, as they say the Law indulges them to come directly up to the place of unlading. If this however is allowed it will be impossible for Us to put the Merchants upon an equal Footing, as our Waiters have sometimes 20, 30 and 40 Miles to go before they get to the Vessels, and in the mean time they have it in their power to run what Goods they please. It may perhaps be thought the effectual way to prevent it, would be to oblige all Vessels with Dutyable Goods to unload at this Town, but the nature of the Trade is such that to avoid so great an expense We really believe many would rather riske the running of their Cargoes, besides occasioning great Uneasiness, and We humbly apprehend if every Vessel was under the necessity of acting agreable to the other Regulations, it would answer the same purpose, provided every Township (except this) was obliged to find Weights and Scales for the Use of the King, and Application, if your Honors approved of it might be made to the Assembly for that purpose.

There is another Difficulty, which more immediately regards Ourselves, We shall likewise take the Liberty to mention to your Honors. It would appear by Our Deputation as if We could have a lawfull power to enter into any Shop, House, Warehouse, Hostelry or other place whatsoever, We pointed Out as well as we could to the Kings Attorney the manner We thought that might legally be done, and desired he would lay the affair before the Superior Court.

He has since wrote Us the following answer, "I carried your Papers etc. to Newhaven, mention'd the Affair to the Judges relative to a Writ of Assistance. They considered it as a matter of Importance but was at a great loss with regard to the Affair, As the Act of Parliament has made Express provision that it shall issue under the Seal of the Court of Exchequer: And We have no Statute here relative to it. The Judges therefore made no determination about it." [23] As this is the case We therefore think it Our Duty to acquaint your Honors of the great Impediment there is by this means of exerting Ourselves in the Execution of Our Office.

[Endorsed:] Copy of a Letter from the Collector and Comptroller of New London in Connecticut to the Comm'rs of the Customs dated the 24[14]th May 1766. Read Oct'r 2. 1766.

Captain Durell to the Commissioners of the Customs.[24]

[New London. August 14, 1766.]

In the Honour I have of bearing a Deputation from your Board, I esteem it a very essential part of my Duty, not only to pre-

[23] In Treasury 1, Bundle 465. ff. 361–372, is a file of papers accompanying a letter of the American Commissioners of the Customs to the Lords of the Treasury, 3 June, 1768, received 18 July, 1768, reciting difficulties experienced in securing Writs of Assistance from judges in the several colonies and provinces. Folio 366 contains a report from the Collector and Comptroller at New Haven, Connecticut, 2d March 1768, "that the Judges had read the Letter, in his hearing, immediately after he presented it, and from what Conversation then past, he [Jared Ingersoll] had reason to think, that they were not at this time disposed to comply with it. We instructed Mr. Ingersoll to signify to them our Desire of a reply in writing. this he informed Us he likewise did, but the Court broke up and we have received none. The Deputy Governor, who is also Chief Judge, in a private Conversation, hinted to Us the principal reasons of their Non-Compliance — that they were not clear that the thing was in itself constitutional, that they were strangers to every mode of application besides Petition, nor did it avail when we informed him that we were confined to the mode which we had adopted."

[24] Treasury 1, Bundle 453, f. 199.

vent the Illicit Trade, but also to give every Assistance to the Officers of his Majesty's Customs, which they may demand, and such as is consistent for the Honor of his Majestys Service and particularly whatever relates to his Majestys Revenue, It is therefore that I beg to trouble you with this Letter to lay before you, The Difficulty that is and will daily arise from the Merchants of this Port refusal of paying that ready Obedience and Deference which ought to be paid to Acts of the British Parliament, and as I have observed with deep Concern that every Obstacle is given to his Majestys Collector at this Port, whose ultimate Ambition seems apparently to tend in a strict discharge and vigilant Observance of his Duty by which he distinguishes himself a faithful servant to his Majesty and that from the Spirit of Independency which so manifestly doth appear in the People, I beg leave to apprehend that he still will meet with farther Obstacles in the discharge of his Office from the Variety of Difficulties they make and which he has to encounter from most, if not all the principal Merchants here, who avowedly combine in Opposition to his making use of the Form of Oath to the Inward Manifest on this Principle which he will not relax, as if that part objected to, be dispensed with, it will but too visibly tend to their facilitating that favorite System of Smugling which has too much prevailed here, on this they have grounded their presumptuous hopes, by intimidating when they could not effect it by Venality.

The Objection they make is immediately pointed at the following Clause in the Manifest "And that I have not broke Bulk or deliv'red any Goods out of my said Ship since her Loading," etca. From their great Disapprobation of this Part of the Oath, it but too plainly appears what they would gladly conceal and effect, was it not from the Just and politic Severity of the Oath and I beg leave to say that if that Clause should be dispensed with, I cannot but apprehend it will not be in the Power of his Majestys Servants employ'd in collecting the Revenue, to prevent the Mischiefs that will naturally arise, which at the same time that it will disarm the Officer, it will encourage a System that but too generally prevails in this Part of his Majestys Dominions.

And as the Merchants here have thought proper to remonstrate by Letter to Mr. Stewart (a Copy of which he informs me he has transmitted to your Board) upon this head and that they are determined not to pay a strict Obedience to that Part of the Manifest, and from the Difficulty that must inseparably ensue, as he is firmly determined to abide by the Spirit of his Instructions, without any the least variation whatsoever, and from the Con-

fusion this their proceeding will consequently create, I therefore have thought it indispensibly necessary to lay this before the Commissioners, the more so as it will be from them, that a determination will be given to a point of this Delicacy, and Consequence to his Majesty's Revenue.

I could not avoid taking Part with this Gentleman, as I am perfectly well assured of his Zeal for the Honour and Advantage of his Majestys Revenue, and I beg leave to observe that notwithstanding all the Attention which he dedicates to his Office, yet to this One of the many apparent and approaching difficulties he daily meets, is also added this other difficulty in a Determination they have of not paying him the Legal fees except he will relinquish that Part of the Manifest which is with them so obnoxious, but in this I am also satisfied that he will rather give up all self consideration, than deviate in the least Principle from the Spirit of his duty, and your Instructions, the which he zealously makes his Guidance.

As this Spirit of Opposition seems to prevail in direct Contempt to all Government, I beg leave to observe that unless the Interposition of Authority puts a period to it, it will not be possible for the Kings servants to exert themselves properly, and the Evils that apparently may be the Consequences, by an undetermination of the Power and support of the officers employ'd in the Revenue will leave it ever at the caprice of every turbulent Association who fired with the Ideas of imaginary independency and followed by a Mob, to plant Obstacles and show Difficulties to the Officer in his Legal Duty. That has been the prevailing Spirit and I too much fear is so now, I beg leave to apprehend is too manifest, I have the Honour to be with great Respect etca.

[Endorsed:] Copy of a Letter from Capt'n Durell Commander of the *Cygnet* stationed at New London in Connecticut to the Comm's of the Customs dated 14th August 1766. Read Oct'r 2 1766.[25]

[25] The following endorsement appears on the whole packet: "Sepr. 26th. 1766. Mr. How of the Customs with Inclosures from America Inclosures to be copied for the Chancellor. Read Octr. 2. 1766. Customs Lre No. 5 wrote to Co[mmissioners of the] Customs as per Minute." In Treasury Minutes, 1. 29, vol. 38, 135, is a record of the reading of these papers, October 2, and the following direction: "Let a letter be written to the Commissioners of the Customs directing them to order their Sollicitor to state the two Questions on the form of the Oath, and the Writ of Assistance, and to lay the case before Mr. Attorney General [de Grey] for his opinion. On November 4 is the return: "Read Memorial of the Commissioners of the Customs enclosing the Opinion of the Attorney General with regard to

John Temple to Commissioners of the Customs.[26]

Gentlemen; Inclosed is the Collector and Comptroller of Boston's Representation [27] of a late Affair, that happened at this Port, the Information I believe was good and had the Civil Authority proceeded with that Firmness that (I think) their Duty requires, there is no reason to doubt that a Seizure would have been made of whatever was clandestinely lodged there. I am with the greatest Respect, Gentlemen, Your most Obedient and Most humble Servant.

J. Temple.[28]

Commissioners of the Customs to Lords of the Treasury.[29]

May it please Your Lordships, — We beg leave to represent to your Lordships that on the 26th day of September We caused a Copy of a Letter from the Collector and Comptroller of New London of the 14th of May and one from Captn. Durell of His Majestys Ship *Cygnet* on that Station of the 14th of August to be laid before Your Lordships, and that We had ordered a Case relative to the points therein mentioned to be laid before the Attorney General for his opinion thereon, prior to Our receiving your Lordships Orders of the 8th of October on that matter, and having received the Opinion of the Attorney General on the Case laid before him, We transmit inclosed a Copy of the said Case

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Vessels entering and clearing in America. Write to the Commissioners of the Customs desiring them forthwith to prepare and present to My Lords such clauses as they shall think necessary and proper to be offered to Parliament for arming the Officers of the Customs in America with sufficient powers for carrying into Execution the Acts of Navigation, Trade, and Revenue which relate to the Colonies." *Ib.*, 182.

[26] Treasury 1. Bundle 453, f. 170.

[27] Sheaffe-Hallowell Declaration of September 24, 1766, *supra.*

[28] "Read Report of the Commissioners of the Customs, on a Letter from Mr. Temple Surveyor General of the Northern District of America, and a Representation from the Deputy Collector, and Comptroller, of Boston, with regard to an obstruction they met with in the execution of their duty; The Commissrs, submit to my Lords, whether it may not be expedient to have the interposition of Parliament, for granting powers to the Officers of the Revenue in America, to enable them to carry the Laws of Trade, Navigation, and Revenue, into Execution." Treasury Minutes, I. 29. Vol. 38, 209, entry for November 21, 1766.

[29] Treasury 1, Bundle 453, f. 185.

and Opinion, with Copies of the Forms referred to in the said Case for your Lordships information.

We beg leave to take notice to Your Lordships that the Attorney General in his Answer to the first Quere on the 3d Section of the Act of the 14 Chas. 2 Chap: 11 is of Opinion that the whole of that clause relates only to Ships of War, tho' the Merchants at New London in their Memorial assent to that Clause so far as it relates to Vessels Outwards as binding upon Merchants Vessels likewise, so that the Attorney General goes further in favor of the Traders than what is insisted by the Merchants themselves.

From the Opinion of the Attorney General on the several points in the Case laid before him it appears to Us, that the Officers of the Customs in America are not vested with sufficient legal Authority for carrying into execution the Acts of Navigation, Trade, and Revenue, relative to the Colonies, and therefore We submit to your Lordships whether it may not be expedient to have the interposition of Parliament for granting the proper powers to the Officers of the Revenue in America, on the several points mentioned in the Case inclosed.

J. PENNINGTON.
EDW. HOOPER.
W. MUSGRAVE.
JS. JEFFREYS.

CUSTOM HOUSE LONDON,
31st October, 1766

[Endorsed:] Commissrs of the Customs Memorial with the Attorney General's opinion with regard to Vessels entering and clearing in America reced 1st Novr. 1766. Read Novr. 1766. Lee wrote 10th Novr. 1766. Customs No. 5.

CASE.

It appearing to the Commissioners of the customs, that the Revenue Business in America had been very irregularly transacted by the Officers there, The Board in order that the Practices might be uniform as well as consistent with the Practice in England about two years ago transmitted to their Officers in the Plantations printed Forms of Reports and other Documents to be used there.

The Paper left herewith *annexed* marked (1). is the form of a Report Inwards as taken in England upon the Arrival of any vessel with a Cargoe from foreign Ports, if *she* arrives in Balast the same form is observed inserting the Word Balast in the body

of the Report instead of the Particulars of the Cargoe with an additional Oath "That there are no Goods Customable or prohibited concealed under the Balast or in any other Part of the said ship to the best of his, (the Masters) knowledge and belief.

The Paper marked (2). is the form of a Report Outwards which forms have been in Practice in England ever since the Act of the 13 and 14 Car. 2d and were probably established upon the Act of the 1st of Eliz'th.

The Paper marked (3). is the form of a Report Outwards, as transmitted to America, in which the Oath is necessarily varied in some Particulars from the Oath in England, from the different Circumstances of the Trade.

And in some of the Colonies when a Vessel has arrived in Balast, the Form marked (4). has been used.

These Reports in the Plantations are made upon Oath before the Coll'r and Compt'r of the Customs, for the Port where the Vessel arrives, And it has been the Practice of late for the Coll'rs there also to require the Masters to answer upon Oath verbally to any other Questions they think proper to ask concerning the Cargo or Voyage Invoices or Inventories of the Cargoes and c'a are also delivered to the Governour or other Officer appointed by him pursuant to the Act of 15 Car. 2d. Ch. 7 S. 7 but these Invoices are not delivered upon Oath.

The Act of the 1st. of Elizabeth not being extended to the Plantations by the 7 and 8 Wm. 3d. and the Regulations prescribed by the latter part of the third Section in the Act of Frauds 14 Car. 2d. for Ships Inwards being relative only to Ships of War, some Merchants in some of the Colonies have lately objected to the Practice of Interrogating the Masters viva voce and insist that the Officers are not authorized to take the Oath for Merchants Ships Inwards in any Terms but what are expressly prescribed by the 2d Section of the Act of Frauds 14 Car. Ch. 11. and therefore object to the following Words at the End of Form (1) Viz't "*that I have not broke Bulk or delivered any Goods out of my Ship since her Loading in London*" and that *the Form marked (4)* for Ships in Ballast *is illegal.*

They likewise object to the following Words at the End of the Report Outwards. (Paper marked 3) Viz't "*and that I will not suffer to be landed or unshipped in Order to be landed in any other Port or Place, but Great Britain, any Goods which I have on Board.*"

But as the first Part of the 3d Sect. in the 14 Car. 2d. prescribing the Regulations for Ships Outwards relates to all Vessels

in General whether Ships of *War or otherwise*, it is apprehended the officers are authorized to ask what Questions on Oath they think necessary and for Security of the Revenue in this Particular as hath been the constant Practice in England without any objection

Other Merchants go still further and doubt whether any Oath at all can now be required on a Supposition that the Act of the 15th Car. 2d. before stated which directs the Commanders of Ships both Inwards and Outwards to give Invoices of their Lading and cetera to the Governor under the forfeiture of Ship and Goods being subsequent to, has repealed the Act of the 14 Car. 2d. with respect to the manner of making and swearing to the Reports on the Forfeiture of £100.

But it is apprehended there is no foundation for this latter Objection. The Act of 7 and 8 Wm. 3d. having expressly declared that all Ships coming into or going out of the Plantations shall be liable to the same Rules and cetera as ships are liable to in this Kingdom by the Act of the 14th: Ch 2d.

Are the Officers of the Customs in the Plantations authorized by the Act before stated to interrogate the Masters of Merchants Ships Inwards viva voce on Oath to any Questions they think proper concerning their Cargo and Voyage and take their Reports whether laden or in Ballast according to the Forms annexed, or must such Reports, and Oath be confined to the Particulars expressed in the 2d. Sect of the 14 Ch. 2d. And are they not authorized by the 3d Sect. of the same Act, and the 7 and 8 Wm. 3d. to insist on the Reports Outwards being sworn according to the Form marked (3).

The Statute of Eliz'th not of itself extending nor made by the 7th and 8th of Wm 3d. to extend to the Plantations cannot come into the consideration of this case but that Statute of K. W. has extended the Provisions of the 14th: Ch. 2d. to the Colonies, the latter Part of the 2d. Sect. of which may be applyed to them, and by that it is declared that Ships are to come directly to the Place of their Unlading, and make such Entries as aforesaid that is " An Entry upon Oath of Burthen, Contents and cetera and the 3d. Sect. I think relates only to Ships of War the Words " or otherwise," not signifying other Ships than Ships of War, but other Commission under which they sail, as appears by the rest of the clause which speaks of Ships of War only, as the Object of that Section and of Merchant Ships as something out of the Act and is a Matter of Reference. The Consequence of this is 1. That the Practices of interrogating Masters of Merchants Ships

in words in the manner stated is not Warranted by these Acts, 2d. That the Oath No. 1 as far as it exceeds the Forms prescribed by the 2d. Sect'n of 14 Ch. 2d. and the Form No. 4 are not warranted. 3d. That the Report No. 3 being founded upon the third Sect. of 14 Ch 2d. which I am of opinion does not extend to the Ships of Merchants is not warranted by those Statutes.

By the 7th. and 14th. Sect of 13 and 14 Ch. 2d. Ch. 11 no Goods can be landed on Importation in England, except at some lawful Key or Wharf appointed for that Purpose, in pursuance of a commission from the Court of Exchequer, but in the Plantations there are no particular Keys appointed by any legal authority, and it has been usual for Vessels to proceed to the Place of Discharge, and for the Masters to leave them under the Care of Officers there and then come up to the Custom House to report, but these landing Places being sometimes 30 or 40 miles distant from the Custom House, the Unfair Traders have great Opportunities of running their Goods before the Reports are made, and even before the Officers can get at the Vessels; to prevent which the Officers at New London have lately advertised that all Inward Vessels (except Coasters) arriving there shall be brought directly into the Harbour and the Masters make their Report at the Custom House, before they proceed to any other Part of the Colony within that District; which the greatest Part have complied with, but some Masters have proceeded with their Vessels to the Spot they belong to, without coming to the Custom House, insisting they have a Right by Law to go directly up to the place of Unlading.

The 2d. Sect. in the Acts of Frauds before stated enacts, that no Ship or Vessel shall be above three days coming from Gravesend to the Place of her Discharge (within the River Thames) without touching or Staying at any Wharfe and cetera unless hindered by contrary Winds and cetera and *then or before,* the Master is to make a just and true Entry upon Oath and cetera and in all out Ports or Members to come directly up to the place of unlading as the Condition of the Port requires, and will admit, and making Entries as aforesaid on forfeiture of £100.

The 7th and 8th. of Wm. 3. Ch. 22. Sect. 6. Enacts as before stated, that all Ships coming into the Plantations, and unloading any Goods there, and the Masters thereof and their Ladings, shall be subject and liable to the same Rules, Visitations, Searches, Penalties and forfeitures as to the Entring, Lading or discharging, as Ships and their Ladings and the Masters of Ships, are liable to in this Kingdom by the Act of the 14th. Ch. 2d.

2 Are the Masters of Ships upon their Arrival within the Dis-

trict of any British Colony in America obliged to come directly into the Harbour, and make their Entry or Report at the Custom House before they proceed to any other Part of the Colony, or can they carry their Vessels to the respective Places where the Goods are to be unloaden within the District of the Colony, tho' at a great Distance from the Custom House, before they have made their Report.

I think the Masters of Ships are not obliged to make their Entry or report at the Custom House till they have arrived at the known and usual place of Unlading.

FORMS

(1)

INWARDS

Port of London } In the Ship *Providence of London, British* [30] Built, Property all *British* about *150* Tons, with *fourteen* Men, *of which 2 are foreign* Man, *and 12 British* besides *James Bell* a *British* Man, Master for this present Voyage from *Rotterdam in Holland.*

I Do Swear, that the Entry above written, now tendered and subscribed by me, is a just Report of the Name of my Ship; its Burthen, Built, Property, Number and Country of Mariners, the present Master and Voyage: And that it doth further contain a true Account of my Lading, with the particular Marks, Numbers, Quantity, Quality and Consignment of all the Goods and Merchandizes in my said Ship, to the best of my Knowledge; and *that I have not broke Bulk, or delivered any Goods out of my said Ship since her Loading in Rotterdam.*[31]

So help me God

JAMES BELL.

Sworn before Us the Eighth Day of Jan.y 1766,
H. S. Collr.
W. R. Comptr.

[30] Words in italics were in manuscript.
[31] The word Rotterdam only in this sentence is in manuscript.

(2)

A Content in the *Unity* James Brown, per Africa, 140 Tons 10 men. . . .

Examined 10 Octor. 1766
Wm. Johnson Pat. Searcher
Geo: Browning Dep Do.

Cleared 10 Octor. 1766

WB

I do swear, that the Content above Written, now tentered and subscribed by me, contains a just and true account of all the Goods, Wares, and Merchandizes, laden on Board my ship for this present Voyage; that I will not take any more Goods on board my said ship, without first paying Custom, and having a Warrant from his Majestys Officers; and if I have, or shall take on board my said Ship any Certificate Goods, or goods that receive a Drawback, Bounty Money, or Premium, from his Majesty on Exportation, I will not reland, or suffer them to be unshipped in Order to be relanded, in any Part of Great Britain, without the Presence of one of His Majestys Officers.

So help me God.

James Brown

Sworn before us the Tenth day of Octor. 1766
Ch. Parsell D. Collr.
J Richardson D. Comptr.

(3)

Outwards

Port of *Kingston* *Jamaica* } In the Ship *Elizabeth*[32] of *London British* Built, Property all *British* about *One hundred* Tons, with *Ten* Men, of which *two are foreign* Men, and *eight British* besides *William Jones* a *British* Man, Master for this present Voyage to *London* in *England.*

. . . . . .

I Do Swear, That the Entry above-written, now tendered and subscribed by me, is a just Report of the Name of my Ship, its Burthen, Built, Property, Number and Country of Mariners, the present Master and Voyage: And that it further contains a true Account of my Lading, with the particular Marks, Numbers, Quantity, Quality and Property or all the Goods and Merchandise in my said Ship, to the best of my Knowledge and Belief, and that I will not suffer to be landed, or unshipp'd in order to be landed, in any other Port or Place but in *Great Britain* any Goods which I have on Board, nor take in

[32] Words in italics are in manuscript.

any more Goods for this present Voyage, without duly entring and adding the same to this Report.

So help me God.
WM. JONES.

Sworn before Us the 30th Day of Augt. 1765
A B Collector
C D Comptroller

(4)

INWARDS

Port of New London } In the William of London British Built regis-
New England } tered at London. . . . Property all British, about 70 Tons — Burthen, no Guns, Navigated with 6 Men all British — besides James Tomson a British Man Master for this present Voyage from London.

I do swear, That no Goods whatsoever were laden on board the above ship — of which I am Master, either at London — or any other Port or Place since her leaving of the same; and that no Goods have been landed or delivered out of the said Ship since her leaving London — to the best of my Knowledge or Belief And that she is now arrived in this Port in Ballast only.

So help me God
JAS. TOMSON.

Custom House, 18 Day of Septr. 1765
Sworn before
A B Collr.
C D Comptr.
(Manifest for Vessels arriving in Ballast.)

OPINION OF THE ATTORNEY GENERAL.

In the Deputations granted the Officers of the Customs in England there is the following Clause, Vizt. — "He hath Power to enter into any Ship, Bottom, Boat or other Vessel and also in the day Time with a Writ of Assistants under the Seal of his Majestys Court of Exchequer and taking with him a Constable, Head borough or other public officer next inhabiting to enter into any House, Shop, Cellar, Warehouse, or other Places whatsoever there to make diligent search &ca." but there never having been any Writ of Assistants granted by the Court of Exchequer in England for the use of the officers in the Plantations, the Deputations granted for such officers have been as follows, Vizt. — "he hath Power to enter into any Ship, Bottom, Boat or other Vessel:

as *also into any Shop, House, Warehouse* Hostery or other place whatsoever *to make diligent search,* etca."

And it has been understood that such Writ of Assistants was not required by the 7 and 8 Wm. 3d. the Power given by that Law, vizt. "*and also to enter Houses or Warehouses to search for and seize any such Goods*" not expressly mentioning a Writ of Assistants, or even in this Particular referring to the Act of the 14th Car. 2d., as it does in every other Instance in the Clause where either any Powers are given to officers, or Restrictions prescribed this Power to enter Houses etc. therefore seems to have been inserted after the Reference to the 14th Car. 2d. with design to make the writ of assistants unnecessary, as no particular Court had any Power to grant One.

However in the subsequent Part of the same Clause of 7th and 8th Wm. 3d. It is enacted *that the like Assistance shall be given to the said Officers in the Execution of their* Office as by the said last mentioned Act 14 Car. 2d. Ch. 11. is provided for the Officers in England upon which Words the Collector of Boston in New England a few years since obtained a Writ of Assistants from the Chief Justice for that Colony and frequently entered Houses without any Objection.

But some doubts having lately arisen at New London the Collector applyd for Advice to the Kings Attorney there who returned him the following Answer, Vizt. "I carried your Papers to New haven, and mentioned the Affair to the Judges relative to the Writ of Assistants, they considered it as a matter of Importance, but were at a great Loss with Regard to the Affair — as the Act of Parliament has made express Provision that it shall issue under the Seal of the Court of Exchequer, and we have no Statute here relative to it, the Judges therefore made no determination about it."

2. Does the Act 7th and 8th Wm. 3rd empower the Officers of the Customs in the Plantations to enter Houses and Warehouses to search for and seize any prohibited or run Goods without a Writ of Assistants? if you are of Opinion it does not, can such Writ of Assistants issue under Seal of the Court of Exchequer in England, or from any and what Court in the Plantations.

I think the Words of the Act will not admit of the Construction put upon them in this Case, for the Words "*and also to enter*" etc. must be connected with the preceeding Words "the same Powers and Authorities" so as to run in this manner, Vizt. "*the Officers of the Revenue shall have the same Powers and Authorities as they have in England for visiting Shops etc and also to*

enter Houses" etc. which words we give only a relative and not an absolute Power; and the Court of Exchequer in England do not send their Process into the Plantations, nor is there any Process in the Plantations that corresponds, with the description in the act of K. W.

Wm. de Grey.

Octor. 17. 1766.

Treasury Minutes.[33]

6th of February, 1767

Read the Opinion of the Attorney and Sollicitor General on the case of Mr. Malcom of Boston in New England,

They are of Opinion that no Civil Action or Criminal Prosecution can be brought against any of the Parties complained of, for obstructing the Officers of the Customs in the execution of their office, inasmuch as the Writ of Assistance by Virtue of which they entered the House and Cellar, was not in this case a legal Authority.

Grey Cooper to Thomas Nuthall.[34]

Sir, — I am directed by my Lords Commrs. of the Treasury to acquaint you for the information of Mr. Attorney and Mr. Sollr. Genl. that since my Lords recd. and took into consideration their opinion on the case of Mr. Malcolm of Boston charged with resisting the Off[ice]rs of the Customs in the execution of their Office It occurred to their Lordships that an Act of Assembly of the province of Massachusetts Bay had passed and been confirmed by the King in the 11th year of Wm. the 3rd. intitled an Act for establishing a Superior Court of Judicature within that province by which Act Jurisdiction and cognizance is given to that superior Court of all matters as fully and amply to all Intents and purposes whatsoever as the Courts of Kings Bench Common please and Excheqr. within his Majestys *Kingdom of England have* or ought to have and it also appearing to my Lords upon a search

[33] Treasury, 29. Vol. 38. 269. The present writer had not time to examine the old minutes of the Board of Customs in the Library of the Custom House, London. Valuable *Notes on the Records of the Custom House, London,* by G. Graham Dixon are in *Eng. Hist. Rev.*, xxxiv. 71–84. See also *Second Report of the Royal Commission on Public Records*, ii. 239–248.

[34] Treas. Letter Book 13 Apr. 1764 to 12 Dec. 1767. i. 27. Vol. 29. p. 416.

made by their order amongst the papers and Documents of the plantation Office that *Writts* of Assistance have been by constant usage since the period of passing that Act issued out of the Superior Court at Boston as a Court of Exchequer, My Lords direct me to desire you forthwith to lay this matter before Mr. Attorney and Mr. Soll[icito]r Gen[era]l together with the case and their opinion for their reconsideration whether as this Act of Assembly duly passed into a law of the province is made supplementary to and in aid of the Act of the 7 and 8 King Willm. and as in fact and by constant usage the superior Court of the province has exercised the Jurisdiction as a Court of Exchequer of Granting Writts of Assistance Such Writt of Assistance do not give a legal Authority to the Officers to search etc And whether the resistance made by Mr. Malcolm to Mr. Hallowell the Officer of the Customs armed w'th such a Writt, does not subject him to the punishment directed by the 13th and 14th of Ch 2nd to be inflicted on persons forcibly hindering the Off'rs of the Customs in the execution of their Office. I am, etc.

Grey Cooper.

14th Febry, 1767.

"Mr. Morgan"[35] to the Earl of Shelburne[36]

I hope it will not be thought a blameable Presumption if undesired I send your Lordship a few hasty Remarks[37] on the present State of America. I have just read Govr Barnards Letter sent down to the office that Extracts may be made relative to the Mutiny Act, It was easy to foresee that this Act wo'd be the Subject of much Contention in America and in Consequence furnish Matter of much Resentment Here.

As the Conduct of Governm't respecting America is perhaps drawing to a Crisis, I venture to risque the Ideas which occur to me however imperfect or crude they may appear.

Bodies of Men, (I apprehend) are not influenced by Reason

[35] Probably Maurice Morgann (1726–1802), under-secretary of state to the Earl of Shelburne. — D. N. B., xxxix. 42. "Maurice Morgann was a clerk in the Secretary of State's Office, and acted as Private Secretary to Shelburne. He was the author of an *Essay on the Character of Falstaff*. Johnson being asked his opinion of this Essay, answered, 'Why, sir, we shall have the man come forth again; and as he has proved Falstaff to be no coward, he may prove Iago a very good character.' — Boswell's *Johnson*, v. 70." Fitzmaurice, *Life of William, Earl of Shelburne*, i. 315. *n.* 3.

[36] William Petty (1737–1805), Earl of Shelburne.

[37] Earl of Shelburne's mss., xlix. 711.

but by Passion, and the peculiar Mode and colour of those Passions they derive from peculiar Customs, Manners, Laws and Situations.

The Stamp Act which was a Law no less unjust than impolitic heated the Minds of the Americans to an extraordinary Degree.

In every Country there exists Individuals of dark, designing ambitious Spirits who are ready to avail themselves of public Discontents in order to extend their own Power or gratify the Natural Turbulence of their Tempers.

It is in the ill Humours and Diseases of the People that these gad Flys lay the seeds of Faction and thereby increase and irritate the Sore.

It is the Business of Good Politicians to allay by every art any extraordinary Ferment and if necessary to crush even to Death those mischievous Spirits that inflame it.

When the Grievance of a Stamp Act was removed, a Sound Politician wo'd not have left behind, so irritable a Thing as a Compensation for Sufferers, considered as Criminals by those who were to compensate them.

The ill Policy of this Measure was so obvious that it must have been felt. It was, I suppose, rather Acquiesced in than approved of.

It is now seen what use has been made of it to continue that Fever which it is so much the Interest of this Kingdom wholly to assuage. But it is the Fate of England to Act at the same Time upon opposite and Contradictory Principles.

But the Demand of Compensations could at most but irritate for a Time, The Mutiny Act may inflame.

It is wonderfull that the Legislature of Great Britain sho'd commit its Dignity by that Act to the Petulance of Provincial Assemblies. There is no Bottom to the Impropriety of *enacting* that those Assemblies sho'd *enact* and Accompanying that Act by a Requisition from the Throne. If the Act *compels,* Those Assemblies are not executive officers, if it does not compell, the Assemblies have a Right to reject. and the Demand of Quarters Without Limitation of the Numbers to be quartered seems to be a reasonable Ground of Rejection.

There are strong Reasons against the Principles of this Act. It was I think wholly impolitic and most unhappily timed.

A few Years ago I could not have thought that America could have been thrown into this dangerous Temper nor could it have been foreseen that such a System of Mismanagement could have prevailed respecting Her.

But whatever have been the Original Causes, The Spirit of

Opposition is now grown into Licence and it is necessary I am afraid that the Face of Authority sho'd be turned towards Her, and Her Insolence repressed.

Some grave and resolute Measures sho'd be taken that may impress the Minds of the giddy with Seriousness and the Factions with Fear. But it requires that the Ends to be pursued sho'd be at once both just and important and the Measures such as may not be easily convertible into Causes of new Fears and new Disorders. America for Want of proper Treatment may be lost. She has been too much tampered with already.

The Refusal of a Compensation to Mr. Colden is too trifling a Subject. The Mutiny Act is I think too doubtful in its Principles and too alarming in its Nature and Tendency and will besides involve too many Provinces in a Common Cause.

There wo'd be perhaps more Dignity as well as more Prudence in Making an Example of *one Province only* and of *one Man.*

Fortunately for this purpose there is an offence committed in a more especial Manner by one Province, and in that Province, more particularly, by one factious, guilty Demagogue. This offence is likewise of so high a Nature as to strike at that Link by which alone America is vitally united to England.

If the Rescues made of contraband Goods when seized in the Province of Massachusets Bay be indeed as Mr. Barnard affirms a provincial Act and the Efect of Principle and Concert, and that they are generally determined to resist the Acts of Navigation, That Province has doubtless forfeited its Charter and Mr. Ottis in my Opinion is guilty of Treason in Consequence of the Declaration He has made on this Subject at a Town Meeting at Boston.

I do not speak rashly when I say that Massachusets Bay has forfeited its Charter. I have considered the Nature of the Connection between this Country and America, and I have no Doubt to prove that an Obedience to these Laws is the necessarily implied Condition of the American Charters, and I have no doubt of the Propriety of trying Mr. Ottis Here upon an Impeachm't of the House of Commons.

A Stroke of this Kind will shew that England is not to be trifled with in Essentials. The End is Manifestly just and of the last Importance and the Means becoming the Dignity of Great Brittain. A Stroke of this Kind directed at one Province only and one Man might recover the whole of America from its present Delirium, and if no other Question is involved in this Measure it cannot I think be converted into a Common Cause.[38]

[38] Morgann was author of a *Plan for the Abolition of Slavery in the West Indies,* 1772.

HALLOWELL TO THE COMMISSIONERS OF THE CUSTOMS.[39]

BOSTON, New England, 14th November, 1766.

MAY IT PLEASE YOUR HONOURS, — My duty obliges me to disclose to your Honours a disagreeable occurrence, and the circumstances attending it. And also to point the reasons and motives of my conduct, in this affair, I will not take up Your Honours time in minutely recapitulating the transactions, as Mr. Sheaff deputy Collector, and myself have taken the liberty of inclosing our own,[40] and the depositions of Ambross Vincent and Lewis Turner, by which the whole will Clearly appear, and to which I beg leave to refer your Honours. (On the Governor; who afforded us all the aid in his power, Advising with the Council touching this affair), Great pains was taken here, to asperse and blacken the Character of the Officers concerned, which appears very evident from the notable depositions of Mr. Malcom, in whose house we were informed the goods were concealed, and of Mr Mackey his friend and partner very probable, Copys of which we have Inclosed both taken at the request of the inhabitants of this town. Your Honours are very sensable how difficult it ever must be for Officers to exculpate them selves, if Charged, by any other means than those we have taken, and how impossible it is for them, to execute their Office without proper assistance if opposed. The weight of the several depositions must be determined either by the Characters or number of them, or by their Interest. And here I beg leave to observe notwithstanding what said Malcome hath sworne, that it is evident his opposition to, and ill usage of the Officers did not proceed from the motives, by him assigned, because by his own declaration it is evident, that when we first went, he did not take any exception, but willingly Shewed his outhouses and all his Cellers, except one, and doubtless had we not insisted on looking into that said Malcome would have been entirely easy and satisfied. But as soon as he found, that was our determination, he immediately turns from a Civil, to an abusive conduct, then, and not till then he insisted that we had no right to Search

[39] Treasury, 1. Bundle 452, 35. [40] Dated September 24, 1766, *supra*.

his house or Celler, threatens us with death, and Arms himself. With Submission, I think it is impossible to account for this sudden transition in Malcomes Conduct, on any other principals than his being conscious of that cellers containing some goods illegally imported. If I should be so happy as to have your Honours sentiments agree in this particular with mine, I am certain his deposition will have no weight. And tho' [he] expressly swears all he intended by his opposition was to try the valedity of the Officers power, for the good of the Country, the true reason will appear to be the preservation of his property or his friends, Said Malcome also swears that I swore I would instantly break open all his house, this is attended with the strongest marks of improbability resulting from the nature of the transaction. He had shown us every part of his house, that we desired to see, and indeed of the Celler except one, therefore I could have no reason to swear I would Instantly break open all his house, which was really open to me and Mr. Sheaff. And in fact I never did. This I imagine is artfully tho' wickedly introduced to palliate said Malcomes future ill conduct, and to put the Officers, and particularly me (who had the writ of assistance and supposed to have the Information) in a disagreeable light, not merely before your Honours, but to render me Obnoxious to the populace here, and thereby to intimadate me for the future from making any efforts to prevent smuggling, But in that they will most Certainly find themselves grossly mistaken.

Mackey who was present all this time gives quite a differant account of the matter, namely that I asked said Mackey for the Key, and which is really true, And upon his telling Malcom what he really knew before, that his house was beset by the Custom House Officers, he grew Angry and began his ill treatment of the Officers. In one part of Said Malcomes deposition he testifys that a few Gentlemen came to see him in his distress, from a regard to him and his family, who staid with him, this is here represented as a Voluntary act of friendship, and without any request of said Malcomes, but in the latter part of said affidavit, it Clearly appears, those very persons were asked their by said Malcome meerly as

witnesses how he behaved, this double representation if are fact, was designed to prove, first the distress of his family, so as to strike the populace, and Secondly to corroborate his Account of his Intentions being only to trye, how far the Officers Authority extended, He is also very particular, that he did not intend to use any Violence if we forceably attempted to enter his house, this we could not possibly be sure of, on the Contrary from his Conduct, had the heighest reason to suppose he would, if the people without, had not done the business for him, the plan really was I believe, that he should secure his house and Remain inactive, and in case we offered to enter, those who were Collected and others ready to be, were to do as they thought proper with us, and with whom considering their numbers, it was impossible for us to Contend, this was the assistance he boasted of, And if he had not been Obliged to them for their attendance, he scarcely would have expended a hogshead of wine on them, which really was the fact, He seems in his deposition to insinuate some fears of the people collected doing him an Injury. This circumstance must evidently shew the art and cookery of the deposition; Whoever knows the disposition of the people on the like occasion, and the particular Character of said Malcome can no more beleive that he really conceived himself in danger from the populace on account of runing goods, than he was from his liberal supply of wine. I shall omitt any further observations on said depositions lest I should be too prolix. It may possibly be conceived by your Honours in some degree a departure from our Strict duty in offering to give up our own parts of such goods as might be Seized, but if your Honours could be thorough Judges of the insuperable difficultys we were, and I in a particular manner was Surrounded with; I humbly conceive my Conduct will not be faulted. I had a very sanguine desire of preserving the force of the acts of trade, at least in appearance. And which I thought would be most advantage for his Majestys real Interest, therefore when we found ourselves too weak to execute them by force, I thought the other expedient might in some degree cure the difficulty and Save the Honour of the Office, and those in the breach of the law in some respect punished, This Offer was also made to take

of the ill impresions from the minds of the populace relating to the officers and me in particular who had the writ of Assistance, and supposed to have received the Information, and to convince them they were not persons of such Characters and dispositions as represented, and the principal aim was a faithfull execution of their trust, and not Lucretive motives, nor was it made in a Clandestine manner, but to such persons whom I knew would devulge it, and indeed it was designe it should be, Extreme cases requiering extreem and unuseual remedys. The Exception to me was on Account of my Vigilence in Office, and for having writ of assistance both which I suffered for in the riot of the 26th August 1765. I had forgot to mention to your Honours that the goods lodged in Malcomes celler did not belong to him or said Mackey as they declaired, but to their Correspondent one Simenton of Casco Bay, and carried to said Malcomes house between the hours of 12 and 5 o'Clock the morning of the 23d September by Josiah Boyle Carman. I am With the Greatest Respect Your Honours Most Obedient Humble Servant —

Benj. Hallowell,

Comp^r of the Customs for the Port of Boston.

Deposition of Vincent and Turner.[41]

We Ambrose Vincent, and Lewis Turner of Lawful Age, and Officers of his Majesty's Customs for the Port of Boston were on the 24th day of September last, between Eight and Nine O'Clock A. M. Order'd by William Sheaff Esq'r Deputy Collector and Benjamin Hallowell Esq'r Comptroller of said Port to follow them to the House of Daniel Malcom, at the North end of the Town of Boston in whose Cellar we were Informed by said Officers that Goods were conceall'd which had been illegally Imported, and by the Order of said Officers did attend them to said House remaining at some little Distance therefrom and after waiting there about a quarter of an Hour we saw Mr. Sheaffe come out of said Malcoms House, and as he pas'd he ask'd us where Capt. Mackay lived, and we informd him, soon after Mr. Sheaffe Return'd with said Mackay, whom we follow'd to the House of

[41] Treas. 1. Bundle 452. ff. 39–41.

said Malcom Remaining in the Yard at the great Door which was Open about five Minutes before we went into the House. The Windows and Doors being all open we in the Yard saw Mr. Sheaffe Mr. Hallowell, Mr. Malcom and Mr. Mackay, and heard said Malcom say, he always took Mr. Sheaffe and Mr. Hallowell to be Gentlemen but now he had found otherwise; on which we went into the house and there hear'd said Malcom say That they ought to have let him known the day before, That They were Comeing, and as they had not done it They were no Gentlemen, and that he never heard of Dwelling Houses being search'd and if this was to be Suffer'd it would be fine Times; the said Sheaffe and Hallowell desird s'd Malcom not to put himself into a Passion, and beg'd said Mackay and Malcom to give them the Key of the Cellar. They said they had it not; Then said Mackay said that there never was such a Thing as Private Dwellings being Search'd before and if such Things were allow'd of there was an end of every thing. The said Sheaffe and Hallowell said they were sorry the Key could not be found for their Duty Oblig'd them to look into that Cellar, that was Lock'd for they had Information That the Goods were there Concealed, That said Malcom swore by God they should not, and if any man attempted a Door of His he would blow his Brains out, then said Malcom took a Pistol from the Entry (where hung a number of small Arms, Pistols and Swords) and soon after another Pistol, and went up Stairs, as we Imagin'd to load them, his Wife following him, begging and Intreating him, to be quiet for he would frighten her to Death. he swore by God no Officer shoud touch any thing of his, he soon came down Stairs put on a Sword, repeating his threats adding he had friends and Could have Assistance Enough. The said Sheaffe and Hallowell desir'd him the s'd Malcom to Consider what he was about and That it was their Duty oblig'd them to do as they did, and beg'd that he would not put himself into a Passion, but consider the Evils that wou'd attend his refusal. Mr. Hallowell told him soft words were better then rash ones, on which said Malcom damnd him, and said he knew the Laws of England and Ireland, and That Nobody had a Right to come and search his House, neither should they; and if they attempted it, he would blow their Brains out and then be Try'd by his Country, and said he Suppos'd they came for his money, and that if he had not been at Home They would have taken it out of his Chest and that he woud mark Them for Black Sheep, That s'd Mackay often said, that it was a damn'd shame, that Peoples Houses could not be safe and if such Things were suffer'd it would be fine Times, and the s'd Sheaffe and Hallowell repeatedly told said Malcom and Mackay that they had no

Desire to use any force, tho' they had Power Sufficient, and had brought a Civil Officer with them, whom both Malcom and Mackay were Sensible off, he being in Open view, some times at the Door sometimes at the Window of said House (which were all the Time open;) said Malcom as before decl'd he did not Care for all the Officers the King had got and that none shoud search his House or any place belonging to Him, at which Time as before he was Arm'd with two Pistols and a Sword, and said he knew how to make use of them at any Time and that he woud meet said Hallowell any where as we Understood to fight him (with Sword and Pistol) said Hallowell answer'd that he Came there only on Duty, and another Time woud be more Proper, he then Repeated he did not Care for any Body meaning as we suppose the Kings Officers, for he Cou'd have Assistance enough, said Sheaffe and Hallowell again Inform'd said Malcom that by his resistance he wou'd not only involve himself, but the People in a Difficulty and Expostulated with said Malcom and Mackay for an Hour and a half from our following Mr. Sheaffe and Mackay to s'd Malcoms house, all which Time said Sheaffe and Hallowell endeavourd by every soft method to Persuade said Malcom and Mackay to suffer them quietly to search the Cellar, and that it was Nothing but sheer Duty that oblig'd them to insist upon seeing the inside of the Cellar and desir'd that they might be peaceably admitted into the same, but all prov'd in vain said Malcom continueing his refusal and Repeating his Threats as aforesaid and if such things as Comeing to Peoples Houses were Suffer'd, he the said Hallowell would be serv'd worse than he was before (having as we imagined referrence to the Riot of the 26th of August 1765 when s'd Hallowells House and furniture were partly destroy'd by the mob,) then s'd Hallowell told said Malcom that it would be no difficulty, to fix on one, two, or three Persons that were Principally Concernd in the mob, and that he the said Malcom had better be quiet on that head, to which said Malcom made little or no Reply, other than Repeating his threats of blowing any Mans Brains out that shoud attempt to search his House or Cellar and finding no prospect of Succeeding in haveing the Door Opend Mr. Sheaffe Mr. Hallowell and ourselves, with Benjamin Cudworth Dep'ty Sherif left the House of said Malcom; dureing all the Time we were present we are very Certain little or no Conversation escaped us, which then pass'd between Mr. Sheaffe, Hallowell, Malcom, and Mackay; and as sure, that what pass'd from Mr. Sheaffe, and Hallowell was not with any heat but quite otherwise said Malcom being particularly abusive to Mr. Hallowell whom he said had receiv'd the Information of the

Goods, being Lodged in his Cellar notwithstanding which s'd Hallowell whenever he spoke to said Malcom or Mackay it was with great softness, Recommending to them quietly to Submit to their doing their duty; and that said Malcoms Wife did not appear to be under the least Apprehensions of any Violence from the Officers of the Customs, but from her Husband, whom she desir'd me (Lewis Turner) to persuade to be quiet and easy. On our leaving said Malcoms House with Mr. Sheaff and Mr. Hallowell we went different ways and soon after to the Custom House, to Receive any further Instructions what was to be done in this matter; we were then orderd to attend at the Custom House at half past two o'Clock P:M:, which we did and with the high Sheriff Mr. Sheaffe and Mr. Hallowell about three o'Clock got down to s'd Malcoms House, when we came there we found the gate fastned, so that we could not get Admittance, Mr. Sheaffe try'd to open the Gate, Mr. Sheriff Mr. Hallowell and ourselves being close at his Elbow, Mr. Malcom being Repeatedly and loudly called to did not appear and finding the House all fast and the People Collecting together round the House after being there about half an hour and no entering in to said House but by force, Mr. Sheaffe, Mr. Hallowell, and Sheriff went to Justice Stoddards; and as we were Informed by them to other Justices to get Assistance, but returnd without any, and soon after were Joined by the Sheriff without our seeing or knowing of any other Assistance we then being near said Malcoms House, and surrounded by about Three or four Hundred People, and haveing Intimations from several people of Credit, that we and the other Officers had better get away before any mischief was done, for if the Officers attempted to force the House or Cellar they would be Insulted and Ill used and there would be Blood shed, and that it woud be attended with fatal Consequences to them, and I Ambrose Vincent for myself declare I heard that on the Officers Entering the House by force a Signal would be given by Ringing the Bell of the Old North meeting House, as for Fire, upon which the People were to Assemble and prevent our doing our duty and by means of which we should Run the hazard of our Lives Notwithstanding which Mr. Hallowell was for Trying but was prevail'd upon not to attempt it. We mixing with several People were Inform'd from many that Destruction was Intended to the Officers and particularly to Mr. Hallowell, whom it was Reported had receiv'd the Information if any thing was attempted. And on the several Accounts brought to them and us Mr. Sheaffe, Mr. Hallowell and the Sheriff Consulted together and there being no prospect of Succeeding by persuasion and the utmost Danger if

any forceable Attempt was made and Night comeing on we all went off about five O'Clock P. M.

Amb: Vincent
Lew's Turner

Suff'k Se. Boston November 14th 1766.

The above mentioned Mess's Ambrose Vincent and Lewis Turner, personally appearing, made Solemn Oath that the Contents, of the foregoing Declaration, written upon this, and upon the other four pages in Folio, annex'd hereto, and by both the said Declarants, Subscribed, are in all respects true —

before me Edm: Quincy *Just's pacis.*

Mr. Murdock communicated a letter and note on

Bunker Hill

This unpublished letter on Bunker Hill was written by an officer aboard a Man-of-War or transport, who visited the battlefield before the smoke had cleared away. I say an officer, as the letter is written in a style and hand that bespeaks the gentleman. Writing seven days after the engagement, he gives the 19th instead of 17th for the battle day. Doubtless this is a mere slip of the pen. He says that Howe, Clinton, and Burgoyne reached Boston "about a fortnight since," or on June 10th, whereas in reality they landed on May 24th. This lapse suggests that he was newly arrived in the Harbor. He gives the number of troops engaged as about three thousand, a very accurate conjecture had the regiments been complete. He is one of the few British writers to note the impression created by the withholding of the Provincial fire until the attacking columns had reached a position close to the works. His statements as to the duration of the action and as to the time that Charlestown was fired have historical value. The evidence on these points is much confused, and an idle observant officer aboard ship with access to ship's clocks has some qualifications as a witness.

Now just a word as to the writer of the letter. When I secured the item from a London dealer, my assumption was that J. Waller was no other than Lieutenant John Waller of the Marines, Adjutant to Major Pitcairn, whose Orderly Book is in the possession of this Society. The only letter of Adjutant

Waller's that I know of is published in the little book by Samuel Adams Drake, giving the story of the Battle as told by officers in the field. Adjutant Waller was in the field and describes minutely his services there, while our correspondent saw the battle from his ship and did not land until it was over. This proves conclusively that our Waller could not be Adjutant John of the Marines. Reference to the British Navy lists unearthed a Lieutenant Jacob Waller, but an examination, courteously undertaken by the British Admiralty, locates the said Jacob Waller as on half-pay in Guernsey in 1775. Moreover, I found on re-reading the Adjutant's letter that it was addressed to his brother Jacob in England. It is not impossible that Jacob on half-pay might have been detailed on rush orders to a Man-of-War or transport sailing for Boston, or he might have gone aboard as a volunteer, but Adjutant John's letter was dated Boston, June 22. It is hardly possible that he could have been writing his brother Jacob in England on June 22 if that brother had been lying in Boston Harbor for at least five days. One thing is certain, that our Waller was in close touch with the Navy and the Marines. The casualties he mentions among the officers, his acquaintances and friends, were all of that Corps. Was there a third J. Waller with affiliations with the Marines? I am inclined to resort to Shandean verbiage and to wish that the fathers and mothers of all these Wallers had minded what they were about when they named them J. I refer this problem in all hope and confidence to our Editor.

Boston, 24th June, 1775.

Dear sir, — This is to thank You for the letters News papers and other kind Acts I have receiv'd. In return I have Lieutenant Moore's Note of hand, which shall be presented in due time and cou'd wish it was more in my power to convince You what a grateful Sense I have of those favours. Now for News.

About a fortnight since the Generals arriv'd and since then the Troops, who found Affairs in a different state than what they expected, Boston being surrounded by the Enemy and all communication cut off with the Country, which indeed still continues. On the 19th instant an entrenchment was discover'd to be thrown up in one night upon a Hill near to where we lay, close to Charles-

town, on which one of the batteries from Boston began to play, and we soon found that they had got two small pieces of Cannon mounted which they fir'd in return. The Generals then thought it necessary to land a good body of Troops on the other side of the River, which parts the two towns, in order to dislodge the Enemy, as well as to take possession of an Eminence, which overlooks a part of Boston and a great part of the Country. General Howe undertook it, and about 3000 of our best troops landed safe under the Cannon of the ships of War, at a small distance from the Hill, which after forming, march'd to attack it, the Artillery firing upon the entrenchments as they advanc'd. The Provincials kept very snug under their shelter, except a few stragglers who had the temerity to come openly out [and] fire upon the Troops. As all Boston and a great part of the Neighbourhood were Spectators, so, many imagin'd they had abandon'd the entrenchments. The Troops on ascending the Hill, which has a gradual ascent, filed off on all sides by way of surrounding it, but as soon as they got within Musquet shot, one of the most dreadful firings began on both sides as was ever heard, but in particular from where they had made a Redoubt. The Provincials maintain'd their posts for about forty minutes, and then being storm'd by the Troops, were beat out, but notwithstanding, they still kept firing in their retreat till they were forc'd off the Hill upon another, at the distance of a Mile and a half, which is far more strong. This Eminence the place of Action, is call'd Bunckers Hill, a Peninsula, and it being pre-concerted to have two Vessels with great Guns plac'd at the Isthmus of it, they greatly gall'd the provincials that were going in to reinforce the entrenchments, as well as in their retreat, but it appears (as I observ'd when I was upon the spot soon after the attack) that our loss exceeds theirs, having upwards of 500 kill'd and wounded, of which are 85 Officers. Seven and twenty of them are dead, so that a few more such attacks wou'd reduce our Army much. What added to the dreadful Scene was, our setting fire to Charles Town when the Attack was first made, which was a very pretty well built place, consisting of about 300 houses, but now is no more, being soon reduc'd to ashes. The officers of all the different Regiments suffer'd much. As to the Mar[ine]s, Major Pitcairn, the Capt's Campbell and Ellis, Lieu'ts Shea, Gardiner and Finny are kill'd; the Cap'ns Adjutant Johnson, Averne, Chudligh, Logan and Lieut Dyer wounded, but I hope these will all recover. I soon after went on shore and survey'd the dreadful Scene, and was great[ly] mov'd to see some of the above (my acquaintance) kill'd, tho' they fell gallantly near the entrenchments. The present

reports are, that the South Colonies want to accept of those conciliatory measures offer'd by Lord North and that these North Colonies, Massachusetts and New Hampshire are in want of Bread; if so, I shou'd think, they can't hold long out. Thus you have the state of things here I send this by the *Cerberus*, which carries dispatches to the Ministry. Let me hear from you, and if you can send a little cash, it will help. My best respects to your Sister Dick and all friends, concludes me, Dear Sir, Your very affect'e hble St.

J. WALLER.

P. S. If you shou'd have an opportunity of sending me twenty or thirty peices, adress it to Mr. Gefferina, the Admirals Secretary, in Case we shou'd be absent.

[*Endorsed:*] To Mr. Rich'd Nelson, Dock, Plymouth, Devon. [*Stamped:*] PORTSMOUTH SHIP-LRE.

The Cabinet-Keeper called attention to the portrait in oil of Vice-President Arthur Lord, painted for the Society by Herman Hanatschek of New York, and exhibited at the meeting.

HENRY AND ELIZABETH POOLE.

The will of Henry Poole, of London, girdler, "now resident in Boston in New England," dated August 20, 1643, is printed in the *N. E. Hist. Gen. Register,* XLVI. 244, from the original in the Fogg Collection. He there mentions his wife, Elizabeth, and three sons, Henry, Robert and Edmond, and provides for a fourth, "if my said deare and Loueing wiffe shall happen to be with child," as proved to be the case. He bequeathed ten pounds to the college of Cambridge in New England, which are credited on the college books as of the year 1642, clearly an error, unless intended to record an earlier gift from Poole, while alive. This is undoubtedly the Henry Poole, noticed in Savage as dying September 14, 1643, "may have been an infant." In Mr. Jeffries' collection is the following receipt, but the year is unfortunately not given, and conjecture is at fault. The death of the husband appears not to have been known by the wife in August, 1644, and it is difficult to believe that she would have come over in the following spring with her children and left no trace in the colony records.

Receipt for Transportation.

Rec'd of Mr. Henry Poole in well yards in Soper Lane; towards his passage and his wifes passage and his sisters 3 children, and 2 servants to New England, this 10 of March the summe of 10–10–0.

Per me Tho. Welde.

Bill on London.

Know all men by these presents that I Thomas Webber of Boston marriner engage my selfe to pay to Mrs Elizabeth Poole or her assigns in London the sum of five pounds sterl. the danger of the seas excepted, and is for and in consideration of one thousand of merchantable white oake pipe stances here rec'd of Mr. William Davis. In wittnes whereof I have subscribed to two bills of this tenure and date, the one of which being performed the other to stand voyd.

Per Mee Tho: Webber.[1]

Boston, 30th (10)50.

Elizabeth Poole to Henry Poole.

Dere husband, —

I hop you haue reciued my too letters And a parcel of other thinges which I sent too thee by Capten Holten. I had sent thee all so a Letter when thou wast in the Ile of Wit but the ship was Gone before it came: deare husband sence you went it heath Plese[d] the Lord to vissit my three Children with the smal poxe of which wee all feare that Harry would haue dide: but I praise the Lord thay are all in good mersur recouered againe the Lord make me truely thankfull: deare Husband I haue bend in gerat dout what to doe wherther to venter my selfe and my three Lone weke Children to come to Thee or no: because you wrot to Me in your letters that if The times grue More dangerus That if I thought good I should come: and now the times groing more sad and dangerus then they weare I have bene Much trobled what to doe but I desire the Lord to direct me and I advise with both my Brother and Doctor Haines and they advice me be no m[*torn*] to venter concidering my Childrens wekenes and my own [*torn*] and I being Beg with Child and therefore I am now resolued not to Com:

[1] Webber is mentioned in Hugh Peter's letters, in 4 *Collections*, vii. 428, 430, 431.

But to indever through the strent of the Lord patieance to wait for thy safe and spedy retorne to me again which is my dayly and heartty prayer to all Mighty God. if It [is] his Blessed Will to bring vs with comfort to gether agine that so wee Met to Blese and to prise his Holy Nam: and thus deare Husband with my Moste Intir Loue to thee and Hartty prayers to god for thee: in hast I rest, your Ever Louing and faithfull Wife Till Deth

ELIZABETH POOLE.

the 24 of Augst, 1644.

all your louing friendes desir to haue there kind Loues remember to you.

WILLIAM WHATELY TO ANDREW OLIVER.[1]

LONDON, 19th March, 1774.

SIR, — I return you Thanks for your Favour of the 10th December and take it for granted that you have already heard either from the Publick News papers or from Govr. Hutchinson, to whom I had the Honour to address a Letter on the 24th January, of the unfortunate Affair between Mr. Temple and myself in December last. You will therefore readily excuse my repeating the Circumstances of it. I believe there is no Man who holds the inhuman practice of Duelling more justly in Horror than myself, but situated as I was and called forth and urged in the manner I was by my Antagonist I could do no otherwise in Vindication of my own Integrity and Veracity, and what had equal weight with me in Justification of the Honour and Memory of my departed Brother. In such an Exigence, I say, I could do no otherwise than submit to that dire Necessity, which from arbitrary Custom and rooted Prejudice claims a Right in these Cases of over-ruling our better Principles of action. Nevertheless tho' I have the Satisfaction of thinking my Conduct on the Occasion irreproachable and of finding it generally approved of by my Friends. Yet I shall ever think it an unfortunate Event in my Life, my having been compelled into a Contest of that barbarous Nature. I have, except for two or three Days, been untill this Time confined by my ill State of Health in Consequence of the Hurts I received on that Occasion. This has prevented my making the necessary Inquiries relating to the Concerns of my Family in the Nipmug Lands and I must therefore defer that Subject untill I shall be able to go abroad again, which I hope to do in ten Days or a Fortnight's Time. In the meanTime I will take Notice of the Question you

[1] From the Hutchinson and Oliver Papers, II.

put to me whether I recollect to have seen in the Originals any Passages of the Letters now published. I certainly do not: but give me Leave to observe that, adverting properly to every Circumstance of the Case, this proves nothing. The Distress of Mind into which the Death of my Brother had plunged me, had occupied both my Head and Heart too fully to permit me to be enough at Ease to examine his Correspondence of Dates so far back, and bearing this Circumstance in your Thoughts it is impossible to suppose any Chain of Facts reconcileable with my having seen the Originals of these Letters. For if they were not in my Brother's Custody at the Time of his Death, the Case is clear and it is impossible to conceive Folly in such Extream as that Papers and Letters should be first openly and jointly perused by the proprieter and any other Person and then secreted, which would be the infallible Means of Detection. I find by your Postscript that you have mistaken the meaning of one or two Expressions in my former Letter. I do not impute to you any personal Diffidence in me, which would, I confess, hurt me to the very Soul; but you seem to think it is my Wish to distribute my late Brother's Letters to the several Writers of them. Far be it from me to seclude any Thing that may now be of Service to his surviving Correspondents. I was actuated by this principle when I placed the Confidence I did in Mr. Temple. But independent of every other Consideration I have, since I wrote to you last, had dark Insinuations drop'd to me and distant Menaces thrown out (meant perhaps only to deter me) of intended Publications affecting my late Brother and tho' I take the whole to be idle Suggestions, yet Prudence makes it necessary to keep my Brother's papers intire, that I may want no Information if required, and at all Events be armed at all points to step forward and wipe off every Obloquy from a Memory so dear to me. If, however, Govr. Hutchinson or yourself are desirous of any of your Letters and will be so good as to point them out to me, I will transmit Copies to you. Govr. Hutchinson's first Letter to me was to that very purpose and I sent to him in answer a Copy of the Letter he desired. I presume you have been already informed of the Hearing before the Privy Council on the Day to which they adjourned the Consideration of the Petition relating to the Governor and yourself. The Report of the Privy Council is conceived in Terms that must give great Satisfaction to every Friend to Peace, good Order and Government and I only beg Leave to add on my own Part the sensible Share I hope you will permit me to take on the Occasion of so honourable a Sanction to

and Approbation of your Conduct and so intire a Defeat to the malevolent Attacks of your Enimies. Dr. Franklin was dismissed from his Place of Postmaster immediately after the last Hearing before the Privy Council and Mr. Temple has also since been dismissed from all his Employments, and this last Gentleman is, as I am inform'd preparing speedily to leave this Country and embark for America and may probably arrive in Boston about the Time that you may receive this Letter. I am still exerting every Effort to investigate the real Means by which my Brother's Letters have been infamously purloined and abused and shall not cease or have Peace of Mind myself until I shall have been able either to banish from my Breast or ascertain on full Proof and then avow the Suspicions which at present I have but too much Reason to entertain. I shall proceed coolly, firmly and with persevering Assiduity, without traducing in the mean Time the Character of any Individual, without concluding on the Strength of Suspicion only, however universal it may be and however plausibly and strongly it may point, but without suffering myself to be blinded by any artfull and doubtfull Declarations thrown out perhaps for the sole Purpose of evading and misleading Inquiry. But Dr. Franklin's publick Avowal being sufficient to justify a judicial Proceeding on my part against him, at least I have, as the immediate Representative of my late Brother, filed a Bill in Chancery to purge that Gentleman on his Oath as to the Means by which he may alledge he became possessed of these Letters and to restore them to me as being now my Property. I know not whether I shall succeed in this Application to our supream Court of Equity.[2] I understand by Mr. Hutchinson that his Father, the Governor, is soon expected in England and therefore do not write to him by this Conveyance in Answer to his Favour of the 9th Decr. If any Event should have delayed his Voyage be so good as to mention this as an Apology to him. I am, Sir, Your most humble Servt.

Wm. Whately.

P. S. Some of the Publications that occasioned the unfortunate Affair between Mr. Temple and myself may perhaps not have reached you, and the whole being thrown together into a Catchpenny Pamphlet[3] I send you a Copy inclosed.

[2] *Proceedings*, LVI. 95.

[3] Probably *A Faithful Account of the Whole of the Transactions relating to a late Affair of Honour between J. Temple and W. Whately*, issued by R. Snagg.

Henry Mackenzie to Andrew Strahan.[1]

Edin., 2d December, 1794.

Dear Sir, — I lose no time in answering your Letter with regard to Mr. Smith's posthumous Works, which, sincerely and impartially, I think worth the Sum Mr. Cadell and you agreed to give for them, besides what I know you will both feel for his Memory and for the Relation of the Author of the *Wealth of Nations*. I am perfectly ready at the same time to acknowledge that the Life of Mr. Smith was always understood to make part of the volume, and such is still to be the Case, as Mr. Profr. Stewart says he never had an idea of withholding it. He is immediately to send you a Copy with some Corrections he has just made upon it. The volume including this Life will exactly come up to the Calculation we made. The works themselves runs to about 250 Pages and the Life will be about 100, so that on the whole the Book will be exactly of the Size of Dr. Robertson's *India*.

When these Circumstances are thus explained, I hope any Objections to the Payment of the Money to Mr. Douglas will be done away. Mr. Playfair has received the last Proofs and will return them as soon as possible. The Life has been so carefully revised by Mr. Stewart, and the reprinting it will be so easy, that I presume there will be no Occasion for sending any Proofs of it. I am always, with sincere regard, Dear Sir, Your faithfull and very obedt. Servant.

Henry Mackenzie.

[Addressed:] Andrew Strahan Esqr., his Majesty's Printer, London.

[1] From the Mrs. Grenville Temple Winthrop Collection, 49, 15.

MHS

very truly yours
Lincoln N. Kinnicutt

MEMOIR

OF

LINCOLN NEWTON KINNICUTT

By WALDO LINCOLN

Lincoln Newton Kinnicutt, son of Francis Harrison and Elizabeth Waldo (Parker) Kinnicutt, was born in Worcester, March 14, 1849. His death, which occurred December 13, 1921, at Worcester, was caused by one of those sudden seizures of the heart, of which the victim has, generally, due warning, but which always finds relatives and friends wholly unprepared.

He was of genuine Anglo-Saxon lineage, his father being a descendant in the seventh generation from Roger Kinnicutt, who emigrated from Devon, England, and settled in Rhode Island; while on his mother's side he was descended in the eighth generation from Samuel Lincoln, who came to Hingham, Massachusetts, from Hingham, England, in 1637, and founded a family which has given to this country many useful, patriotic and distinguished citizens, the greatest being President Abraham Lincoln, of beloved memory.

Young Kinnicutt was educated in public and private schools in Worcester, and, while preparing for college, passed a year in Switzerland under the private tutelage of Elbridge Gerry Cutler, afterwards professor of modern languages in Harvard College, whose influence for culture and good breeding made a lasting impression on his youthful pupil. An unfortunate affection of the eyes, a year before his examination, compelled him to abandon all idea of college and, in 1866, he became a clerk in his father's hardware store. This was a great disappointment to the boy who, being of a

studious and sentimental disposition, had anticipated with unusual interest the pleasures and privileges of college life. Though his new employment was entirely uncongenial, he remained with his father's firm, Kinnicutt and Company, the latter part of the time as partner, for eleven trying but useful years, during which he laid the foundations for the honest and shrewd business sense, which characterized his whole later career. As his eyes regained their strength he improved his mind by a course of judicious reading, and became proficient in the French language, the study of which he had begun in Switzerland, though his conversational use of it was largely confined to the Canadian patois, in which he became fluent, a useful accomplishment for a business man in Worcester county, where lived many French Canadians whose acquaintance with the English language was, fifty years ago, quite limited.

After retiring from the hardware business he served for seven years as clerk in a broker's office and, in 1884, formed a partnership with Alexander Dewitt, who had been employed with him by the firm of Kinnicutt and Company, and with him under the firm name of Kinnicutt and Dewitt, conducted for over twenty years the largest and most successful banking and brokerage business in Worcester. This connection continued until Mr. Kinnicutt's death, though the firm retired from active business in 1906. During this time Mr. Kinnicutt became a member of the Boston Stock Exchange, and formed many close and intimate friendships in Boston, which became almost a second home to him; but his love for the country and his affection for his native city, made him strong to resist any temptation which may have assailed him, to make his actual home anywhere but in Worcester. Thrown by the nature of his business into close contact with men of affairs, he earned their confidence by his wise conservatism and sagacious advice, and those who followed his counsel seldom had occasion to regret it. He was eminently successful in his business and accumulated a comfortable fortune. He had many interests outside his business and held several positions of trust and responsibility, being for several years treasurer of the Worcester Polytechnic Institute of which he was a trustee, and later treasurer of the

Worcester Art Museum, handling that institution's large investments with consummate skill. He was a vice-president and trustee of the Worcester County Institution for Savings, and successively a director of the Citizen's National Bank, the Worcester Trust Company, the Worcester National Bank and the Worcester Bank and Trust Company. He was also trustee of a number of large private estates.

On retiring from active business he devoted himself largely to reading and study, and, always an enthusiastic lover of nature, he passed much of his time on his farm in the Tatnuck hills on the western border of Worcester. This farm he named "Woonnasako" after a Nipmuck chief, who owned all the land thereabouts before Worcester was settled. Although up to middle life he had almost no knowledge of the several varieties of trees, and was but slightly acquainted with wild flowers, he became passionately fond of both, especially of the latter, with which his farm abounded, and he loved nothing better than to ramble over the neighboring country-side with his dog, searching for rare specimens. So assiduous was he in this that, while no botanist, he became expertly versed in the peculiarities of flower, season and habitat of the native flora of central Worcester county. Yet strangely enough he seemed to take but little interest in the cultivated flowers of the garden and greenhouse. He also took delight in native trees and planted numbers of them, especially the white pine, in double rows along the stone walls, on the upper and more barren portions of his farm.

It was probably through the Indian ownership of this land that he was first led to the study of Indian place names, to which he devoted several years and, as a result of which, he published two small volumes, the first in 1905, entitled *Indian Names of Places in Worcester County, Massachusetts, with Interpretations of Some of Them,* and the second in 1909 with the title: *Indian Names of Places in Plymouth, Middleborough, Lakeville and Carver, Plymouth County, Massachusetts, with Interpretations of Some of Them.* His object in collecting this material and publishing the results of his studies was, as he says himself, "the wish to create an interest in the use of Indian names in New England." The books bear witness to an immense amount of research,

and if the result of their publication has not been just what Mr. Kinnicutt claims to have sought, it served, certainly, to make him a recognized authority on Algonquin nomenclature.

From childhood he had been a lover of dogs, always owning one or more, teaching them simple tricks and taking them with him on his rambles and drives. This led to his publishing in 1915 an anthology of verses to the dog, entitled *To your Dog and to my Dog,* a charming collection of thirty-two poems, to which he prefixed a characteristic introduction in the form of a letter beginning "Dear Dogs: —" and signed "Your Friends," which expresses the sentiments of all true lovers of dogs and to which they will gladly subscribe. Of children too he was always fond and made a habit of being provided with sweets, with which to overcome their shyness and win their friendship. This with his love for nature and for Indian lore, moved him to write a pleasing Christmas book of Indian fairy tales, entitled *King Cole and his Indian Friends,* in which the scene of some of the tales was laid on his farm, Woonnasako. This was published in 1918.

With positive views on many subjects he was reluctant to undertake positions of publicity, and preferred the critic's chair to official station, yet that he did not refuse responsibility is shown by his accepting service as treasurer of the two corporations previously named. He loved society, was a pleasing and entertaining talker and was always welcome at social functions. Besides being a member of this Society he was a member of the American Antiquarian Society, the Colonial Society of Massachusetts, the Club of Odd Volumes, and of several clubs in Worcester and Boston, in none of which, however, would he ever accept office, though frequently urged to do so. Being of rather fragile build and, as a child and youth, of somewhat delicate health he never indulged in active sports. His favorite exercise as a young man was horseback riding, and in maturer years walking, but in neither of these did he indulge to any excess.

He married, October 10, 1878, at Worcester, Edith, daughter of Judge Ira Perley of Concord, New Hampshire, who was born April 9, 1855, and survived him but a year and a half. Their only child, Roger, is a physician in Worcester.

NOVEMBER MEETING.

THE stated meeting of the Society was held on Thursday, the 13th instant, at three o'clock P.M., the President, Mr. LORD, in the chair.

Mr. Cunningham, Recording Secretary, announced the appointment by the Council, in accordance with the By-Laws, of Arthur Lord, to be President until the next Annual Meeting.

The record of the October Meeting was read and approved.

The Librarian reported gifts from Ellerton P. Whitney, Mrs. Gideon Mansfield, Mrs. Kingsmill Marrs and Judge Robert Grant.

The Cabinet-Keeper reported gifts from Mrs. Archibald Hopkins, Benjamin Ward Appleton, George Simpson Eddy, the Connecticut State Library, Walter Gilman Page and Royal Arch Chapters of Massachusetts.

Mr. Winslow Warren presented the silver medal of the Society of the Cincinnati, struck to commemorate the dedication of the Washington Monument at Philadelphia, May 15, 1897.

Edwin Francis Gay, of Brookline, was elected a Resident Member of the Society.

Frederick Jackson Turner, of Madison, Wisconsin, was elected a Corresponding Member of the Society.

HENRY CABOT LODGE.

Mr. LORD announced the death in Cambridge, on Sunday, the 9th of November, of Henry Cabot Lodge, President of this Society, and said:

Born in Boston on May 12, 1850, and graduated from Harvard College in the Class of 1871, Mr. Lodge was elected a Resident Member of this Society December 14, 1876, and its President at the April meeting in 1915. Prior to his election to Congress in 1888, he had served on im-

portant committees of the Society and was a member of the Council from 1880–1883. His increasing public duties as a member of the House of Representatives from 1888 to 1893 and of the Senate of the United States from January 1893 until his death, made it impossible for him to attend regularly the meetings of the Society.

His gifts to the Library were numerous and valuable. His communications of letters and papers were important. His tributes to the memory of Senator Hoar, Henry Adams, Barrett Wendell, and others, were felicitous and just. One hundred cards in the catalogue of the Library bear silent witness to the extent, variety and importance of his writings and addresses. In that long list of members of the Society, beginning more than a century ago, few have surpassed or equalled him in the number or value of their contributions to the literature and history of the country, to the biography of its public men, and to national affairs.

As we recall his writings with their grace and interest and scholarship, we marvel at the prodigious industry and continuous labor in the midst of an active and responsible public life which made it possible to accomplish so much. But we also recognize that these literary and historical writings which excite our admiration, made it possible for him to contribute so much of distinctive importance to the consideration of those public questions which in the last thirty years have called forth his great services in the constructive statesmanship of that important period in his country's history.

One may not agree with his conclusions, but it would be difficult to name among his associates in that great legislative assembly, the Senate of the United States, any other who has brought to the discussion of national affairs a wider experience, a more exact and exhaustive knowledge, a greater ability and a more untiring industry. It is futile to attempt to anticipate the final verdict of history on the policies of which he was the foremost champion; but he knew of no way of judging "of the future but by the past and that which the past has revealed to us," and an exact and comprehensive knowledge of the history of that past, particularly of the history of his own country, illumined his path and guided his steps.

I am not unmindful of the usual practice which leaves to the presiding officer the duty merely of announcing the death of an associate, with a reference only to his services and contributions as a member of this Society, but I am unwilling to let this occasion pass without this brief reference to the life and services of its late President in other fields. I recall today his graceful and virile figure as he stood alone on the platform in Symphony Hall, its floor and galleries crowded to the doors with a great audience which had gathered at his call, and I hear again these fine and impressive sentences which fell from his eloquent lips that night in January, 1911:

> My public service is all public. I have never had a private interest which in the remotest way conflicted with or affected my performance of my public duties.
>
> The record is there for the world to see. There is not a page upon which the people of Massachusetts are not welcome to look. There is not a line that I am afraid or ashamed to have my children or grandchildren read when I am gone.
>
> Every tradition of our great state is dear to me. Every page of her history a household word. To her service I have given the best years of my life and the best that was in me.

Even in the bitterness of many a public conflict, that statement has never been denied.

And now I call upon his lifelong friend and associate, Mr. Morse, to pay the tribute of this Society to the memory of Henry Cabot Lodge.

Mr. Morse then read as follows:

I must begin with an apology. I ought not to be standing here engaged in this matter. Not only am I too old, but, worse than age, I have had no time for preparation — for what are thirty-six or at most forty-eight hours for such a task? Yet my good friend, Mr. Ford, put it to me as a duty, and the sternest rule of this Society is, as I understand, that no member shall ever evade a duty. So here I am, to say what I can, and as I do so may I anxiously solicit your sympathy and your tolerance!

I am not to speak of Senator Lodge's public life, but only of his personal traits and characteristics, and his unofficial pursuits and achievements. Perhaps I ought to be able in some fashion to do this, for, though he was my junior by ten years and six months, yet he was my cousin, his older sister was throughout her life the best and dearest friend I have had, I was constantly and intimately at his house until he went to Washington, and moreover we were for a long while much associated in literary work.

Of his childhood I know of nothing especial to say. He entered Harvard College as a member of the class of 1871, but neither is there anything noteworthy in his life as a student; his spirits were decidedly high, and he had an exceedingly good time, and as a consequence he graduated with only a very modest rank — not far above the middle of the class — in medio tutissimus ibis! He could have done better, had in fact already given evidence of his ability; simply, he was not yet ready for work. Yet one interesting and even momentous event, quite outside of the collegiate curriculum, did occur. In his junior year he became engaged to the daughter of Rear Admiral Davis. Such youthful enterprises are about as reckless and dangerous acts as a lad can well indulge in; even at the age when most of his acts are reckless; but during a long life in which Mr. Lodge did many very wise things and enjoyed many strokes of good fortune, he was never wiser or more fortunate than in this engagement. Miss Davis not only had beauty — all the town talked of her wonderful violet eyes — but she was most amiable and attractive, of very fine character and high ideals; cultivated and very clever, and happily gifted with delightful manners and a social charm and tact which proved most useful to her husband in the career which lay before him. I speak, it may seem, extravagantly; but she well deserved what I say. He came of age in May, 1871, graduated in June and was married on the day after his graduation, in this same church in which we have just attended his funeral. A journey to Europe followed, an unusually interesting one, for they were in Paris in time to see the subsiding days of the Commune. Then they returned to live at his mother's house, at 31 Beacon Street, Boston.

Lodge had been of an ardent, somewhat effervescent temperament thus far, but now his really serious qualities began to assume predominance. He was considering and marking out his future career with grave forethought, and already was aspiring to get at pursuits and work which it would be worth while to follow through life. Literature, he determined, should be his permanent occupation, and as his preparatory step he set himself to acquire a good style. He read and studied with this chief end in view, and I remember that he inclined to make Dean Swift his especial model, and he read and re-read most attentively the score of volumes which that keen writer has left to posterity. At the same time he sought to meet the best men of the day — and in those days very good men indeed were to be met in the old town. He had the best opportunity. For his mother was a well-read and intellectual lady and she presided over one of those houses to which agreeable and notable people flock; half the families in town, too, seemed to be her relatives. So already in his boyhood the young man had found himself at the very centre of the very best society and, as he shows us in his *Early Memories,* he had enjoyed, and, half unconsciously in those early years, had appreciated it. He had, too, a handsome house, a fine library and — let me add — the best stocked cellar in Boston. All these advantages he began now to use in leading a life of generous hospitality, especially in the giving of delightful dinners to the old-time habitués. Charles Sumner, to the day of his death, was " free of the house," so to say, making long and frequent visits both in Boston and Nahant; Lothrop Motley was the intimate friend of the family; Dr. Holmes was a constant visitor, and so was Longfellow; and Francis Parkman, by whom Lodge was especially attracted, and whom he inclined to look upon as an example and model; Charles Francis Adams often came, sometimes even Wendell Phillips; and Professor Pierce, the wonderful mathematician of Harvard College, a near relative; Lowell was there often, and Agassiz sometimes; and George Bancroft when he was in the country, though absence made him rather a correspondent than a visitor. Men nearer Lodge's own age were John and Charles Adams, John Gray, Wendell Holmes, Henry Higginson. His contemporary circle

included Russell Gray, Brooks Adams, Lucius Sargent, Henry Parkman, Russell Sullivan, and above all the closest friend of his lifetime, Sturgis Bigelow, and, of course, many more. All these men, and a lady who was as good as the best of them, Mrs. Bell, were the habitual guests, and several of them familiar intimates at the house. Could there be a better entourage?

American history was chosen by Lodge as his field of effort. Prescott and Motley had gone far away from home for their subjects; and even Parkman had gone over the border to Canada. But the less picturesque field of his own country absorbed the interest of Lodge. His first book, published in 1877, was a life of his great-grandfather, George Cabot, the intimate friend of Washington and Hamilton, and a very influential adviser, really the power behind the throne, in Federalist councils in the early days of the Union. It was admirable work, and the most experienced hand could have done no better; but, of course, it was addressed to a small and somewhat local body of readers. A volume of wider scope was his *History of the English Colonies in America.* This was a very important book, involving extensive labor and research, but already he had acquired those habits of vast industry and of patient and thorough preparation which so often ensured success for him in later life. I believe that the volume is a part of the present curriculum of our educational institutions, and indeed it can never be superseded, for it has fully disposed of its topic for all time.

Other literary work in his earlier years lay in editing and writing for the *North American Review,* and as the work was much to his taste, he proposed to me another similar enterprise in which we embarked together. A publishing firm in New York owned a feeble and moribund periodical called the *National Review.* We approached them with a proposition for trying to infuse life into the semi-corpse; they accepted, and for four years we worked hard, very hard indeed, at this undertaking. But it was all in vain. We got good material and a fair subscription list, but the niggardly publishers would allow us only $500 per number to pay contributors, and often we had to pay that full amount for one, or at most for two, papers. So the firm strangled that infant, and

after four years of toil we returned the useless body to them, more, I fear, in anger than in sorrow.

Lodge, however, was not to be long contented with only literary labors, whether with or without success. His favorite pursuit, the study of American history, had furnished him with a grand hero, Alexander Hamilton. It is a little singular that such an atmosphere of romantic attraction should hover about a man whose work in life had to do with constitution making, financial schemes and treasury organization. Yet such is the fact, and Hamilton remains to this day the most brilliant and entrancing figure in our history. Lodge enthusiastically worshipped him, and so did I, and I well remember our ardent talks about him. Perhaps it was in a measure this adored example which spurred Lodge in the direction of a political career, of which he had not earlier spoken. Yet, however this may be, he certainly began to develop in his own nature much of that same restless ambition which Hamilton tells us fired his youthful spirit. Moreover, Lodge had in his make-up great activity and no small measure of ability for practical affairs. Having an ample fortune, he felt no special call toward business, though I am sure that he would have achieved a brilliant success had he turned in that direction. But all his reading and his associations, doubtless all his instincts, moved him toward political life, and he undertook it.

The Massachusetts House of Representatives was the field of his entry, in the year 1880, with re-election in 1881; but this of course was only an entry, the first and easy step in a long ascent. The next stage ought, he thought, to be the national House of Representatives. This was ambitious, but he was too aspiring and too impatient to seek more terms in the inferior state body or even to make passage through the state Senate. He set out straight for Washington. He was a citizen of Nahant, and so offered himself as a candidate for Congress in that Essex district. He made a strenuous campaign, and in his inexperience he felt sanguine of success. Thus far in life he had had no schooling in disappointment. What he had wanted he had always got, and he expected, of course, to do likewise this time. But he didn't. The constituency of Lynn mechanics — and if I mistake not

the workmen of the navy yard were then in his district — gave no eager welcome to the swell young millionaire who was so ready to take the office which they had to dispose of. He was badly beaten at the polls.

He was astonished, chagrined, dismayed, discouraged. I well remember his condition, for a while; it was really quite pathetic. In his boyhood he had been a bit wilful; then and later his excellent mother, who all his life long adored him, would have made him a spoiled child, if his own good sense had not saved him. So now this self-willed young man for the first time in life failed to get something which he craved. It was a little bewildering as well as disappointing. But in all the commerce which I have had with the world I will say that I have never seen any person with a more stubborn, persistent will than Cabot Lodge possessed. So the secondary effect of the defeat was only to make it absolutely certain that he would come back, persist and at last surely win. So he did, though many of his friends, and his wife too, were by no means pleased with his new purpose. Mrs. Lodge rather dreaded the difficult, uncertain career, with all its disappointments and its enmities. A life like that of Prescott or of Parkman, a cultivated gentleman of Boston, writing admirable histories, would have better pleased her. But all his affection for his wife, all his respect for his friendly advisers could not now change Lodge's mind. His failure had settled that. He was not going to rest beaten. So he did come back, and much wiser and more skilful than before, and in 1887 the 50th Congress found him seated at a desk in the House of Representatives. Thence, in 1893, he graduated into the Senate, and there remained the rest of his life.

Here, having thus established him, and since I am not expected to discuss his political career, it might seem that my paper should stop. But not so; you are not to be released yet. Because he was in Congress Lodge by no means deserted or neglected his first love. Politics henceforth became his work, his business; and he greatly liked both hard work and even exacting business, and he was pleased and proud to succeed therein. But literature was his taste, his relaxation, his best pleasure. He had no thought of deserting that mistress, because he happened to have been for-

mally wedded to a lawful wife. So all his life to come he was constantly writing a book or an article, or delivering an oration or an address.

Especially when I inaugurated the American statesmen series; he took the liveliest interest in it; we discussed every move together; he gave me an assistance which I recognize with pleasure; he was almost a co-editor. He wrote some of the volumes. Of course he at once elected to write the biography of his darling Hamilton, and extremely well he did it. And as to another contribution, I will venture to introduce a trifling egotistical reminiscence. One afternoon he walked into my library and dropped into a chair, apparently quite dejected. He had encountered some check, or little temporary disaster, I forget what it was, in his political matters, and he was suffering from one of his occasional attacks of discouragement. He sat by the fire rather gloomily for a while and then suddenly turned and said "John, I should like to write the Washington for your series; will you give it to me?" Within reach of my left hand lay a pile of manuscript, the earlier chapters of a life of Washington on which I was at work. It was rapid thinking for me; but within two minutes I had said: "All right, Cabot, it is yours." So he said "Thank you," and went away, and as he shut the door I threw my sheets into the fire and he went home and went to work on the book. I allowed him two volumes for it and it remains today unquestionably the best life of Washington yet written.

A word about one chapter in it. The book was written and published just at one of those periods in Lodge's career when his opponents were suffering from a hysterical attack of hostility, and they were vehemently reiterating their favorite denunciation of his partisanship, calling him a "party hack," and a "slave of party," and such unpleasant names. What was my disquietude when he submitted his manuscript to me and I read the chapter: "Washington as a Party Man." I wrote to him a letter of protest. I said that Washington was never a "party man" in the modern sense of the phrase; but worse than this that readers would surely cry out that he, Lodge, was borrowing the prestige of the sacred name to fight his own battles, cover his own sin,

justify his own wrongful conduct. People would be indignant. I counselled him to omit the chapter. Promptly came his reply: No! he would not — not unless I forced him. Of course I would not force him. So the chapter was printed and met the reception which I had expected. But there is some advantage, some interest in having it there. It is, in a sense, Lodge's apologia, which stands to be taken as more or less satisfactory according to the views of the reader. Whether approved or not, it is worth reading and reflection in connection with him. But I very decidedly stand by my protest against calling Washington a "party man" in any sense in which I have ever heard those words used.

I have just referred to detraction, to attacks on personal character and motives. These are evils which can be avoided by no man in public life in this country, and which, with unfortunate frequency, are borne out by truth. But in a small percentage of cases the condemnation is wholly, or in major part, undeserved. Lodge was one among this small percentage. For some cause, which I cannot divine, he was subjected to more than his fair share of personal, virulent, acrimonious abuse. By his original nature he was ill-fitted to bear this with patience. In boyhood his temperament was ardent; he was, as I have said, intolerant of being crossed; he lost his temper too easily. He was not quarrelsome, but he was firmly assertive of his own side, unyielding and not addicted to settlement by compromise. Perhaps he inherited a tendency to pugnacity, for his father was a stalwart combatant who never avoided a quarrel by backing out of it, and Lodge may have had a bit of the ancestral disposition. But he early got a severe schooling and he took it well and wisely. The campaigns of Essex county were by no means conducted with suavity, and being observant, Lodge was quick to note the infinite value in such scrimmages of coolness and self-possession. He had a good share of the Greek wisdom of knowing himself, and he promptly set to work to acquire these valuable qualities.

The acquisition was the more difficult because he had peculiar harassments. It must not be ignored that in the large circle of those who should have been, by association and environment, his well-wishers, there was in fact, a very

emphatic body of ill-wishers, and many of these persons, who should have backed him, were, on the contrary, ready almost to assassinate him. This extraordinary local venom had its rise in certain private and local incidents, which had occurred when he was little more than a lad and for which he ought never to have been held to account; but they militated against him seriously, obstinately and in a peculiarly aggravating manner. In spite, however, of such complications, which introduced something like a feud into the situation, he continued in his self-training, and with such success did he push it that before he was far in middle life he had himself perfectly in hand and his cool and measured control of his temper and of his words reached an unusual point. Ultimately it came about that the moderation and reticence with which he endured the attacks of his own social set bore fruit; flames which were not fed by the fuel of retaliation began to burn low, and it even became the fashion to commend him.

During one of these fits of popularity Henry Adams, meeting him one day and shaking his wise little head, said in his sententious way: "Well, Cabot, I'm sorry to say it to you, but I fear your career is about run, and you may as well prepare to return to private life." "Ah, indeed," said Lodge, "what is wrong now?" "Well," answered Adams, "I am told that the whole Somerset Club has come over to your side and all the members are loudly sounding your praises. If that is not fatal, I know not what can be." "Oh," quietly said Lodge, with a pleasant smile of amusement. No doubt he was gratified by this turn-about on the part of "society," though he knew that the reformation would be transitory and that the aristocratic institution would make good its name by turning many more somersaults in his case, as in fact it quickly did.

During his later years neither praise nor blame seemed to affect him. Apparently he was content simply to lay his own course precisely as he saw fit, and to hold to it without the slightest regard to comment or to consequences. This was a bit masterful, of course; but then, Lodge was by nature somewhat prone to be masterful. He was not quarrelsome; his originally hot temper had been brought under strict discipline; he did not seek conflict, yet he did not much dislike

the excitement of it. He was a hard fighter, but always a fair and manly one. He stood up firmly on both feet and took the blows which fell, and he never in his life sought to save himself by dodging; then he struck back very strong but always perfectly straight. He never stooped to cheap personalities, or to abusive language, though his keen tongue would have made him very effective in such warfare had he been willing to enter it. In like manner he never allowed himself to be drawn into petty squabbles and small quarreling. In like manner he wholly eschewed that resounding rhetoric which is so unhappily popular among our public speakers, especially in Congressional circles. He was a grave, serious and dignified debater — what we outside laymen like to fancy all our legislators to be, and what they are so painfully apt not to be.

In converse with the multitude of his friends and acquaintances Lodge ceased altogether to be the great man. Yet it was a brilliant party at which he would not predominate, however innocently and unintentionally. He was far and away the most agreeable man I ever met. Many are the pitfalls, one or another of which is likely to betray a man so high placed, with such abilities, and withal having a natural taste for talk. He may be pompous or dictatorial, or, on the other hand, over-much affable and condescending; he may lay down the law or he may pretend an unnatural modesty; he may hold the floor, or he may not come upon it enough. Lodge escaped all these snares; he talked freely, for he enjoyed conversation, yet he never took more than one man's fair share. He talked quietly, simply, naturally; he was only "one of the crowd" — if I may use such an expression before this audience — but it must have been an unusual and a brilliant "crowd" in which he was not the most welcome talker. His manners were easy and sociable; he liked what is called society and appeared to advantage in any company, for experience enabled him to understand every manner of man — at least of American man. Himself he was, of course, a well-bred gentleman by nature and by education; if there be in this free and equal country an aristocrat, I should suspect that he had the misfortune of being one — yet not of the disagreeable type of that animal. He

was a wise man; his head seemed crammed with knowledge on every possible subject. How he had found time to read absolutely everything in the way of history and literature which had ever been written in English, with plenty more in other languages, too, and how he remembered it all, and how he had every item right at hand when he wanted it, is beyond me to explain; I give it up! Our old associate, Thornton Lothrop, a most competent judge, one winter passed a long time in Washington; on his return he said to me: "I have been meeting Lodge at many dinners. He is the most wonderful man I ever saw; he knows everything; no matter what topic is brought up, he has all the knowledge that there is about it. He is a marvel." His public life inevitably made for him many opponents and some real enemies; yet upon his own part he was not a man of many hostilities; there was nothing rancorous or vicious in his temper. I often heard him speak of men in his own circle, whom he might have hoped to have as friends, but who were, in fact, bitter denouncers, and I never heard him say a resentful or revengeful or derogatory word. He was really magnanimous. On the other other hand, he had a numerous throng of loyal and ardent friends, who believed in him and stood by him stoutly in times of public stress, and who personally cherished for him the warmest attachment — I may say affection, though the word belongs to the other sex rather than to ours. Yes, there were plenty of gallant fellows who were devoted to him, in weal or woe, in good repute or in ill repute, in public affairs or in private life. Among other qualities, he had that of being a good host; and a more charming hostess than Mrs. Lodge never presided over a household. They both enjoyed society, liked to entertain, and were most hospitable. The most agreeable men and the most attractive ladies came to them and the best talk was heard at their table. There was no house in Washington of which the entrée was more eagerly desired. But after many years all this fascinating scene was most sadly changed by the sudden and most grievous death of Mrs. Lodge, which occurred, if I recollect correctly, about nine years ago. Since then the senator has lived with his son and daughter-in-law in the same house — a spacious,

handsome mansion, stretching a broad and generous front to the sunshine, but now at last mournfully deserted by the couple which used to make it so delightful. So the world passes away, and for each generation the people and the things go which have seemed to make life valuable.

Captain FROTHINGHAM read a paper on

THE MILITARY TEST OF THE SPONTANEOUS AMERICAN REVOLUTION.

At the approach of the succession of one hundred and fiftieth anniversaries of the events of the American Revolution, and in our commemorations of these anniversaries, it would be well to return to the more human and spontaneous history of our War for Independence. The fact was, the American Revolution was a case of long smouldering fires suddenly bursting into unquenchable flames. But, of late, we have been losing sight of this truth.

In recent years, a great deal of most valuable history has been published, dealing with the controversies which led to the Revolution. This type of history has done much good in making clear the arguments on both sides, and of course we have no desire to regard the Revolution as a melodrama, in which the hero was always an American and the villain always a Redcoat. But, on the other hand, these discussions of the details of the controversies, and the pros and cons of the various measures, have perhaps obscured the great underlying situation that was always present — the sharply cut cleavage between the American colonies and the Great Britain of those days, which made the break inevitable.

From the earliest settlements of the American colonies, with their enterprising make-up and their distribution of the land, there was always the trend toward self-governing communities, and consequently the germ of representative government was innate. This grew into strong vitality, as the population of the colonies increased and prospered. But in Great Britain it was another story. Throughout the period which preceded the Revolution, self-government was at a

low ebb in the mother country. It was not until the Nineteenth Century that this state of things was reformed.

With this situation existing at home, it is easy to see why the ministers of the British Government could not understand the situation abroad in the American colonies, and consequently took the wrong course in their attempts to govern these colonies. Always, beneath the various controversies, there was this irreconcilable difference in viewpoint, which set us apart from Great Britain, and was the strong impelling cause of the uprising of our ancestors against the British Government. And this uprising sprang forth spontaneously at the first shedding of blood.

The military test of the strength of this surge of the American colonists is beyond any doubt, if only we look at its broad significance. The whole American Revolution was epitomized in the first hours following the outbreak on April 19, 1775. A strong body of British regulars had marched out into the country. The whole countryside had risen against them, and chased them back into Boston with great losses. This uprising spread like wildfire throughout the land, and at once the British army was hemmed into Boston. More than that, outside of Boston, there was no more chance of a military reinforcement for General Gage than if there had not been a loyalist in New England.

This was a most surprising military situation, and we must realize what it signified. It meant that the whole military rising was against the British Government. Some loyalists in Boston offered to enroll with General Gage, but, throughout New England, military bodies of loyalists did not appear to dispute control with the patriots.

The military events of this siege of Boston were also typical of the whole Revolution, and were demonstrations of that difference between the combatants, which was as wide as the difference in their views, and which left the British ill adapted for fighting under the conditions of American warfare.

On the one hand, the British regulars were drilled in the tactics of Frederick the Great, the most artificial of all, for wheeling and manœuvring armies in formal European battles, with stiff equipment, and muskets fired together with no aim

whatever in a modern sense. The stringent game laws in Europe had kept firearms from the common people, and the European recruit was given a strange implement, to handle according to a manual that did not even include sighting along the barrel. Consequently, up to this time, musketry fire had not been deadly in European battles.

On the other hand, all Americans were accustomed to the use of firearms and shooting to kill. Scattered among them were many who had fought in the "French wars," who knew the tactics best adapted to American conditions, and who also knew, some of them from bitter experience, how effectively these tactics could be used against the regulars. Naturally these men of the "French wars" became the leaders, from Washington down through the lower grades. And these two elements, skilled marksmanship and experienced officers, gave the American colonists a better military preparedness than has been usually recognized.

The result of all this was made evident on the two epoch-making days, the Nineteenth of April and the Seventeenth of June, and these two battles gave practical exhibitions of the deficiencies of the British regulars, which always made it impossible for them to go out and subdue the country.

The Concord and Lexington fight was a glaring example of this utter incompetence of the British Regulars to meet the military situation in America. We can well believe the protestations of the British officers, after the event, that the first shooting was without their authority. But, in the whole conduct of the affair, it is painfully evident that the British officers had no conception of the spirit of the people, no idea of the seriousness of the situation they were creating by this ill-considered raid, no preparation in advance to handle the situation, and no ability to control their own men. In the retreat from Concord, the British regulars were pathetically helpless against what was really only a forecast of modern open order fighting — something so alien to the artificial tactics of formal European battles that these British troops were completely at a loss.

They were so dazed by this defeat, which they could not understand, that they welcomed the opportunity to make the

frontal attack at Bunker Hill. This time it was not a case of enemy scattered about in an open country, but the American colonists were in a fixed position on June 17, 1775, and the British judged that situation by the prevailing European standards. It was true that, under European conditions and with the British superiority in numbers on that day, it would have been an easy charge on any European battlefield. But, here again, the British encountered a military situation where the American colonists were far ahead of their time.

In every modern sense of the word, Breed's Hill was an intrenchment defended by instruments of precision, the last thing in the world that should have been assaulted by frontal attack, unless its fire had been impaired by bombardment. The British bombardment had not at all impaired the fire of the colonists, as long as their powder held out, and the result was an awful and unprecedented loss for the British, which made so great an impression upon them that it was reflected in British tactics throughout the Revolution.

In these two battles all the elements of the American tactics of the Revolution had been present, which created a military situation so baffling for the British that it neutralized all their superiority in military forces and great resources. Throughout the ensuing war, the British were unable to occupy and subdue the country. Looking at this broad military situation, we realize that the superior British armies were able to win formal battles, to take cities, and occupy them if their supplies by sea were assured; but inland they were unable to maintain themselves, much less conquer the country. Whenever a British force marched out into the country, it met disaster, and was either chased back or else captured or destroyed. Saratoga was only the Lexington and Concord fight on a large scale.

At times, in the Revolution, the American armies almost disappeared, and there would be hardly any organized forces in the field. The men would break away and go home at will. The officers would quarrel among themselves and leave. Often it seemed that Washington alone was the rallying point of the Revolution. But, always at the approach of an invading enemy force, the whole country rose against it

— and this insured an American force that would smother the enemy.

For John Stark there was no sulking in his tent when the Hessians came to Bennington, and, to the astonished enemy, the force that overwhelmed them seemed to drop from the skies. The British leader, Ferguson, on the summit of King's Mountain, said in fancied security: "Well, boys, here is a place from which all the rebels outside of hell cannot drive us!" And yet it was again the same story. The countryside rose and destroyed his whole force that same day.

This was the military situation throughout the Revolution. Against an enemy organized in the European way, and giving battle in the approved European fashion for formal battles, the British would have known what to do; but against a countryside in arms they were at a loss. For this reason, it was probably for the best that Washington lacked the Prussian-drilled army, which he so much desired. A set formal battle with the British, fought in their own way, and on their own terms, might have led to a disaster and to the loss of Washington. As it was, the harassing partisan warfare waged by the Americans was at its best in the unexpected strokes of Washington.

This military situation gave constant proof of one most significant condition, which was a true military test of the uprising of our ancestors. Even when the British armies were strongest and apparently victorious, the British were not able to gather reinforcements from the loyalists strong enough to provide a military factor that would turn the scale and lead to permanent occupation of territory. There were constant efforts to do this, and many organizations of loyalists were enrolled, especially in New York and the south. At times these took an important part in the fighting, but they failed to develop sufficient military strength to enlarge the scope of the British armies, which sooner or later were restricted to their strongholds in the cities on the coast.

The Burgoyne invasion was the outstanding example of this condition, which prevailed in the American Revolution — the inability of the British to obtain sufficient support from loyalists to subdue the country. And this situa-

tion, as has been stated, furnished constant military proof of the strength of the uprising of the patriots, no matter how few armed Americans seemed to be in the field. It will be remembered that one great argument for Burgoyne's invasion was the idea that his powerful British army would arouse the loyalists in the invaded regions, cause them to flock to the British colors, and insure British supremacy.

Sir John Johnson and loyalists of that ilk had claimed that there were large elements in the population that would declare themselves for the British Government at the approach of a really strong British army. Convinced of this, the Government had provided an army so powerful that it was thought impossible for American forces to be gathered sufficient to stop its progress. The British were prepared to organize the recruits which were expected to appear as the army advanced. A skeleton organization was even taken to Bennington to receive these expected recruits. But nothing of the kind resulted. Here, as was the case at the first outbreak in New England, there might not have been a loyalist in the region, so far as any military aid was concerned.

This remained the situation, as Burgoyne's army attempted to advance through New York. Instead of stirring up loyalists to help the British cause, the actual effect was exactly the opposite. The advent of Burgoyne's army, with the five hundred useless Indians whom the British had stupidly brought with them, aroused all these regions to a desperate resistance against the invaders. Instead of finding recruits, or even friends, enemies poured in from all sides, and what had been believed impossible was accomplished, by the astonishing result of hemming in Burgoyne's army with superior numbers and forcing it to surrender.

It was the same in the South, even after the incompetent Gates had sacrificed the American army at Camden, and all American organized forces were apparently dispersed. Yet, when Cornwallis attempted to overrun the country, he found it what he called "a hornets' nest." Instead of finding a subdued people, the British were constantly harassed by partisan bands. No British force was safe in the country. King's Mountain was another Bennington; Tarleton's de-

tached force was destroyed at Cowpens; and General Greene's able campaign worried Cornwallis with alternate retreat and attack, until this British general, also, abandoned operations in the field. So baffled was Cornwallis that he withdrew from the Carolinas into Virginia, making his stronghold Yorktown, where he met his fate.

Consequently, even after the successions of discouragements and defeats, culminating in what Fiske called "the year of disaster," the military situation of 1781 found the same conditions. The British only held their strongholds in the coast cities. Their attempts to occupy the country had failed. The Americans were still in revolt, and the strength of their resistance was not broken, no matter whether there were organized American armies in the field or not. The British were at a loss, for it had been proved that armies would spring up whenever they moved into the country. So they had been brought to an impasse.

The dogged resistance of the Americans was maintaining this successful defence at home in the face of military defeats in set battles, and, in addition, it must be kept in mind that, with the British thus brought to an impasse in the American colonies, the Americans themselves were able to carry on an offensive, which was doing decisive harm to Great Britain. It is a fact that the real offensive of the American colonies was on the sea, where the American privateers were taking such an unprecedented toll of British commerce that these heavy losses to the British merchants were bringing about the demands in Parliament to let the Americans go. It is not generally understood, but our whole offensive strength, in the true military sense of doing damage to the enemy, was thus upon the sea, and the widespread losses inflicted upon British commerce provided the argument for setting free an obstinate people, who not only had shown that they refused to submit on the land, but also continued to destroy shipping in increasing totals on the sea. In a military sense, this meant that the Americans were inflicting heavy damage upon the British, while the British were finding themselves unable to do damage to the Americans.

We are compelled to the conclusion that a military situa-

tion like this could not exist, through all the years of trial, unless there was a strong surge underneath. Such a determined resistance of a people must mean a mighty impelling force. We must recognize this military test as proving that the rising of our ancestors was one of the instinctive primitive movements of a people which can only be brought about where long continued causes have produced the inevitable effect of creating an irresistible force. This force was the spirit of our ancestors, created by their inborn instinct for self-government, and this should be emphasized at our coming anniversary observances.

These occasions should arouse a wave of patriotism throughout the country, with our recognition that the innate conception of a government representative of the people gave us the strength to gain our independence. With this should also be coupled our recognition that all the elements from foreign lands, in our increased population, have become Americans with us, and have adopted our creed. This great fact of our vital Americanism has been twice proved by the same trying military test of war. In 1861, there were those who said that the North, changed by the great flood of immigration, would not be able to stand the test of war. You know how nobly the North rose to the occasion. And in the World War, against all European prophecies, at the call of a just cause, you saw all elements of our population fuse and surge forth in a mighty uprising as united Americans. This should be the keynote of our commemorations of the American Revolution, that from the potent seed sown by our forefathers has sprung the fruition of united Americanism.

Dr. ALLEN read a paper on

THE CASE OF CAPTAIN PENNY[1]

In November, 1659, the armed ship *Roebuck*, sometimes mentioned as a frigate, hailing from London but last from Barbadoes, arrived at New Amsterdam. Captain John

[1] The references to material for this paper were kindly furnished by Dr. Howard M. Buck, of Boston, who has also given valuable assistance and advice.

Penny was master of this vessel and she had on board a merchant named Scott, the owner of or agent for the cargo. During their stay at New Amsterdam Penny and Scott called upon Governor Stuyvesant. They represented to him and to others that they were engaged in peaceful commerce, had no other object in view, and were sailing under no commission. It was afterwards stated that the captain had three commissions — English, Swedish, and Portuguese; but the precise facts in this particular are involved in obscurity. After remaining several days at the Dutch capital, the *Roebuck* got under way and proceeded to New Haven.

About this time Richard Raymond, of Salem, being at Stamford, Connecticut, hired a Dutch ketch, called the *Black Eagle,* and took her to New Amsterdam. He had reason, as he believed, to be apprehensive of possible trouble arising from the nationality of this vessel, on account of rumors as to Penny's character and purposes. Raymond therefore purchased the ketch and soon afterwards seems to have been engaged in trading along the shore of the sound.

Captain Penny, while at New Amsterdam, had presumably learned of Raymond's doings and plans. In December, while at anchor in New Haven harbor, apparently apprised of the *Black Eagle's* proximity, he sent out a boat which encountered her off Stamford Point, seized her, and brought her into New Haven as a prize.

Nearly at the same time, or perhaps a little earlier, two of the *Roebuck's* men, being on Long Island, seized another Dutch vessel hired by Lieutenant Lion Gardiner. Property on board this craft belonging to the lessee was delivered to him. Then Gardiner forcibly regained possession of the vessel. Penny complained of this and a little later brought suit against Gardiner before the magistrates of East Hampton, Long Island. The case was referred to the General Court at Hartford, but never came to trial.[2]

In explanation of his seemingly high-handed conduct since arriving in American waters, Captain Penny claimed that he was operating under an act of Parliament authorizing the capture of Dutch vessels, but the Court at New Haven de-

[2] C. C. Gardiner, *Papers and Biography of Lion Gardiner,* 86.

clined to recognize the existence of such an act. On June 25, 1653, during the First Dutch War, action had been taken by the Connecticut colony in regard to imposing restraint on trade with New Netherlands, but this had been repealed July 11, 1654.[3] At this time — the end of 1659 — the Commonwealth in England was tottering. Penny may have thought that the restoration of Charles II, which soon followed, had already taken place. Moreover the relations between England and the Netherlands were unstable and another war between the two countries was not far distant. Perhaps Penny entertained a certain contempt for the colonists and may have hoped that in the generally disturbed condition of affairs his lawlessness would be unnoticed or condoned, or at least not resisted. In April, 1660, he returned to Barbadoes and, so far as is known, passed from the field of North American annals.

These proceedings gave rise to a considerable correspondonce and to a number of suits at law. On December 9, 1659, Captain Penny wrote from New Haven to Governor John Winthrop, Jr., of Connecticut, at Hartford, as follows:

I mad bould to trouble your honner with these few lines which may let your Honner to vnderstand that my men being at North Hamton vnder your Jueredition did Cese one a duch vesell and then the men said that some of the goods was Mr. Gar[di]ner soe my men did Ingaige to deliuer it at his Iland which they did and then Liftenant Garner disposest my men of the Vesell and keept them in prison soe I thought good to make your honner acquinted of these actions for I came not to doe the Contery any Engery but that it might proffitt by vs and I cannot think this Inchoridgment for us. I shall desier your Honner to afford mee three or fower Lines what yowr honner thinks of it for I shall desier sattisfaction of Mr. Garner before I depart this Contery the barer here of may giue your honner more Sattisfaction then my writing of mr. Garners delings I should haue came to giue your honner A vissit but at present I am not well. Soe in hast I take Leue and Rest your Saruant to command.[4]

[3] *Public Records of the Colony of Connecticut* (1636–1665), 244, 261.

[4] Winthrop Papers, XVI. fol. 96.

To this Governor Winthrop replied, December 12:

I received yours by this bearer Humfry Hues, wherby I vnderstand of the seasing a duch vessell by some of your men, and that it being by them caried over to mr Gardiners Iland, he there disposessed them of it. I presently desired a meeting together of our magestrates and acquainted them with what you wrote and had further information also from this said bearer about the same and have considered the state of the case at present and as farre as we vnderstand It appeareth that the said vessell being removed by those that seased it out of that place where it was seased, befor there had passed a legall triall vpon it, the matter doth not belong to our Jurisdiction, yet intend to write to leiftenant Gardiner to know what he can say to the complaint, and if it shall appeare that it is in the power of this Jurisdiction to try the Case, shall not be wanting to endeavour that a due hearing may be attended when the season will permitt that both parties may be present and that equall Justice may be done therein. I am sorry your Sicknesse hath prevented your Journey hither, as you intended. I wish your recovery by the returne of perfect health.[5]

Under the same date the Governor sought information from Lieutenant Gardiner:

I recd a letter from Capt. Joh. Penny who I vnderstand is Capt. of a ship lately come to N. Haven wherin he writes of the seasing of a Duch vessell by some of his men at Northamton and that they were disposessed of the same by your selfe. I acquainted our magistrates with what he wrote and one Humfry Hewes whom he sent vp with the said letter declared the same. The magistrates desired me to write to your selfe, that they might also vnderstand how the matter was acted from your selfe, and vpon what ground, and cause the said vessell was taken out of their hands: expecting your answer by the first convenient oportunity I rest.[6]

Still on the same day, December 12, Winthrop wrote of the case to his kinsman, John Richards of Boston:

There is a ship at N. Haven, one Capt: John Penny. He was fraughted by one M[r] Scott[7] from Barbados; this M[r] Scott is M[r]

[5] Winthrop Papers, v. fol. 22.

[6] *Ibid.*

[7] Called Phillip Scot by Rev. John Davenport and Nicolas Schott by Gov. Stuyvesant. He was not the son-in-law of Thomas Pell, of Fairfield

Pells son in law. The ship is bound to Barbados this winter or towards spring; 2 of this ships company going from Manhatas (there this ship came in first) to Southampton by land through Long Iland, finding a Duch sloope trading there they seased hir, and vnderstanding that there was salt and caske in hir which belonged to Leift. Gardiner, they went over with the vessell thither, they say to deliver his goods, but the men going ashore their Leift. Gardiner fetched the sailes ashore, and stopped the vessell, which now Capt: Penny hath sent hither to complaine of the same.[8]

To this Richards replied on December 29:

Yo'rs of Decemb. 12. came to hand this 27th currant. . . . I am sorry that cannott at present give you Satisfaction in the quaeryes concerning dutch prizes. . . . I hope to haue oppertunity more fully to Satisfy you before Spring, at least shall use my endeavo'r by procureing a coppy of the act, and else (if it may be gained). . . . Cap't Clarke being now at my house desires his respectes to be presented to you, with many thankes for your intelligence. he hath designed a catch [ketch] for your parts in the Spring, otherwise should have looked at it as a good oppertunity to haue made use of Cap't penny's being there.[9]

It was not until March, 1660, that Lion Gardiner answered Governor Winthrop's letter of the previous December, which had called for an early reply. Gardiner acknowledged receiving this letter, "wherein your worship desired to know the ocation of my stoping a vesell, seiced by twoe of Capt. Pennys saruants at North Sea, coming to my Iland vpon ocation. I stopt her, vidz. the vesell, vpon complant of my naghbour. John Scot [10] informed mee they had taken his vesell from of his own land, and that in the name of the Kinge of Portinggale, using no other name when they seiced her." Penny's men, Grigis and Hause by name, admitted they had no commission, nor copy of one with them, but said that on board ship there was one from the Portu-

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and Pelham Manor, but probably of his brother, Rev. John Pell, of Essex, England. Thomas Pell was interested in the affairs of a Phillip Scott, in all likelihood his nephew by marriage. See *Records of the Colony of New Haven* (1653–1665), 277.

[8] 5 *Collections*, VIII. 56.

[9] Winthrop Papers, XVII. fol. 82.

[10] John Scott of Long Island, a few years later a notorious character.

guese ambassador. They took the vessel on their account. They said "they would bring their commission within ten days or forfit 2 hundred ponds and set free the vessel and goods, pay all just damages to the ownere of the vesell and the owner of the goods." Gardiner let them go, allowed them twenty days more, and gave them passage from Gardiner's Island to Long Island in a canoe. Twelve days before the time for their bond to expire, one of the men returned to the ship at Oyster Bay, seventy miles from Southampton, or North Sea.

But they cam not acording to couenant by 7 days, and when they cam brought noe commision with them, and then cam and demanded the vesell that I had taken from them, as they were Capt Penny seruants. My answer was, I never heard the name of Capt. Penny ore the state of England. Soon after this ther com one George Lee, with a letter of aturney from Capt Penny, and commenced an action against mee, laying to my carge damege to the valie of 500 ponds. The Court saw cause not to meddle with the bisines, but bound mee ouer to Hartforde to your worships for trial, and to apear the 17th of March, 1659 (-60). Vpon the fourfetour of 2 hundred ponds to George Lee, I being defectiue by my not apearinge acording to time, and hee was ingaged in the sam sum set, he not apearing. The 17th of this instant, John Scot being their, hee tendered his bond or staning security to answer for George Lee, but that would not satisfye. I prefered to be bound for him my self, but nothing would satesfy but I was the man they amed at. Thus am I wronged by being exposed to a great danger, in regard of my age and great weaknes, and inforced to com ouer in such a boat as by seamen, inhabitants of Saybrook, whoe serched the vesell, promised they would not haue crosed the Sound in her, as I had don, for all my estate. Thus is your pour seruant abused for doeing an act of justes.[11]

Governor Stuyvesant of New Netherlands, whose apprehensions were aroused as to the possibly evil effects of Captain Penny's performances, corresponded on the subject with the Directors of the Dutch West India Company. On December 26, 1659, he reported the arrival and departure for New Haven of Penny's ship, stating that she sailed

[11] 5 *Collections*, I. 385.

under English, Swedish, and Portuguese commissions and expressing the fear that she might interfere with the trade in tobacco and peltries. In the Governor's opinion she was making the sea unsafe. The Directors replied, March 9, 1660, that Penny ought to be attacked and punished as a pirate, for an example. They advised Stuyvesant not to let the opportunity go by and suggested that undoubtedly some private ship would be willing to help.[12]

In the meantime, on January 21, 1660, Governor Stuyvesant had written to Captain Penny as follows:

Whereas we by some of your own countrymen were informed that you (upon what pretence we know not) doth obstruct the commerce and correspondence between the inhabitants of New England and this Province; moreover, that you have a commission from the King of Portugal, upon which you, or at least your seamen, are intended and have threatened to surprise Dutch vessels, and amongst other a fisher-boat newly by our inhabitants set forth, which I much wonder, because of your first coming and passing by this place yourself did declare unto me in my house, and a few days after your merchant, Schott, declared the same unto [others], that you had no commission nor any intention to obstruct traffic or to surprise our vessels, but to seek and make trade. Therefore, I can hardly imagine myself that you should undertake such a scurvy business against your own word and promise and against the articles of peace, which as I suppose doth give and grant both nations living in these remote parts of America that neighborly correspondency and manner of traffic as the neighborly nations in Europe doth enjoy; videlicet, that our subjects without any molestation may fish, pass and repass in the harbors of New England, Rod Island, and Virginia, and bring there with their own vessels the product of our native country. If not, it will be requisite and conduce more unto your own honor and credit, to walk in a just and open way in forewarning friends and neighbors for their losses, as to ensnare them by words as having no commission; these presents were only therefore directed, that you would declare yourself and inform us whether you or your seamen were intended to make any surprisal of our vessels, either upon act of Parliament, Sweed's or Portugal's commission, that we may order our affairs thereunto. If the articles of peace doth not admit the neighborly correspondence and manner of traffic to the neighbor's nations in these parts

[12] New York Colonial MSS. 13:60, 74.

of both nations in Europe doth enjoy being by any neighborly government, and informed of the matter, we shall forbear and forbid our subjects to go and trade where it is not free. For here, *Salva lege talionis,* if occasions and need shall require it; but if you or your seamen, upon any commission of our enemy, should intend any reprisal against any of our subjects, it is requisite that you renounce the commission and colors of friends and confederates, that we without infraction of the terms of peace may deal with you or yours to our safety.[13]

On the following day, January 22, Stuyvesant wrote to Governor Winthrop about this "English frigate, whereon was one Captain Penny and his merchant, one Nicolas Schott. At the first arrival they both gave me a visit." In the course of conversation both declared they had no commission and no intention to obstruct trade or to take Dutch vessels, but to seek traffic.

From hence departed they were altered, not so much of air and climate as in condition and intention, and have . . . taken and surprised two vessels, either Dutch or English, and upon what pretence I know not certain. It is reported that one was hired and in use by Lieut. Gardener; the other . . . was bought by one Mr. Richard Wayman [Raymond], as I suppose well known by your Honor. The said Wayman, here coming to seek and to make proof of his bargain, doth inform us that . . . Captain Penny, now riding at New Haven, had two commissions [English and Portuguese] and that his seamen had threatened to take . . . all Dutch vessels what they could get, amongst others a fishing boat, the owners of which have requested us to write to your Honor in the common cause, if there may be any remedy against obstructors of lawful trade. We know of no order or interdiction to prevent our people from freely trading in your Colonies just as New Englanders may trade here. We request information whether there is anything to interfere with free and friendly intercourse between our colonies, just as there is between our home countries in Europe. If there is anything we will warn our subjects against further trouble and loss.

I hope and doubt not your Honor will [be] in favor of equitable justice and in maintaining of the articles of peace, and unite in all possible manner [to] prevent and hinder such unlawful acts and piracy.[14]

[13] 5 *Collections,* IX. 13. [14] 5 *Collections,* IX. 15.

To this Governor Winthrop replied, March 27:

I receiued your letter of the 22 of Jan. and should have returned answere sooner, but had not oportunity of speaking with captaine Penny that I might inquire into those matters mentioned in your honors letter as acted by him or his. I have lately spoken with him, he doth denye that he hath any Portugall commission, and for those Vessells which your honnor writeth were surprised by him, it appeareth they are owned by English, the one by mr J. Scott of Southamton, the other by mr Raymond. We have not hitherto suffered any uniust molestation to any of yours in our harbours, or Jurisdiction, nor hath beene so farr [as] I know in the other English colonies, but hath indeavoured, and shall still so doe, to mainteine all loving and neighbourly correspondence and friendship, neyther doth there appeare any cause to us of that question which your honor is pleased to propose in your letter, viz: whether the good subiects of both nations English and Duch in these remote parts of America, as loving neighbours may not have that common benefit of corespondency according to the act of Parliament, as our principalls and their Subiects in Europe doe enjoy. We have not in our Colony any orders to the contrary. Capt. Penny also informed me that he had written to your honor in answer to your letter, so as I shall not neede to adde what he further sayth to these particulars mentioned.[15]

It is now necessary to go back and take up Richard Raymond's connection with the case. On December 12, 1659, Rev. John Davenport, of New Haven, wrote a letter to Governor Winthrop which has the appearance of being a reply to inquiries of Winthrop, but no letter of the Governor to Davenport, near this time, seems to be in existence. Davenport wrote:

This afternoone the Captaine [16] hath bene with the Governor,[17] to excuse his not appearing at the Court of Magistrates, by his former illnes in body, having a loosenes with vomiting blood; and his not sending his Atturney, by his want of one, his surgion would not, Phillip Scot would not; but he conceales that he who tooke the prize was in his ship, who was most fit to have bene sent to the Courte, and forgets to excuse his refusal to yeeld to a sequestration

[15] Winthrop Papers, v. fol. 23 (copy); also photostat of original letter in the New York State Library.

[16] John Penny.

[17] Francis Newman, of New Haven.

of Mr Raymonds goodes, til the cause were tryed, though the Governor sent the Marshall to him with a warrant for that end, and sundry other things. The Governor is almost overcome with his faire words. But he speekes not a word of submitting his cause to theyre tryal, yet seemes willing to leave Mr Raymunds vessel and goodes in the courts hands for part of security, and to binde his 12th part in the ship for the other part of security (which is as none, because it is not standing security) that he will have it tryed in England within 12 moneths, if Mr Raymund be bound and give security to prosecute against him. What the issue will be, a little time will shew. In the meane time his spirit is somewhat lower, in shew, then it was." [18]

The ownership of Raymond's vessel, the *Black Eagle* (*Swarten Arent*) was fixed by a decision of the Court at New Amsterdam. Lauwerens Lauwenzen and Dirck Janzen sued Raymond, January 13, 1660, for the purchase price of the vessel and after hearing the evidence the Court found " that it is a full and absolute purchase and sale, even notwithstanding there are found some errors in the contract of sale and date." [19]

Having failed to appear, either in person or by attorney, before the magistrates of New Haven when summoned in December, Penny paid as little regard to the majesty of the law two months later. On February 15, 1659–60, Richard Raymond "entred an action of molestation against Captaine John Penny, . . . but the said captaine appeared not." Instead, he sent his doctor with a letter in which he pleaded illness and suggested that the Court come to his ship, where he would be able to state his case convincingly, give a satisfactory explanation concerning his commission, and " let Mr. Raymond know that is not hee or his speeches shall carry that vessell from mee, which is a lawfull prize." [20]

This was the beginning of an interchange of long, discursive letters between the captain and the Court. The magistrates replied to this first epistle that if Penny was

[18] 3 *Collections*, X. 29.

[19] *Records of New Amsterdam* (1653–1674), III. *Minutes of the Court of Burgomasters and Schepens*, 100, 101.

[20] *Records of the Colony of New Haven* (1653–1665), 327. See pp. 327–347 for report of these proceedings.

unable to appear, he should have sent his attorney, and expressed surprise "that you should expect vs to leave our vsuall place to goe and attend this case on board your shipp and so lay downe our authority to attend yours." The captain's answer was that he knew of no one whom he could employ as attorney. He preferred an Admiralty Court for the trial of his case and called attention to an act of Parliament, passed in 1562, "wherein wee vnderstand that noe Duch man ought to trade in harbour, creeke, or cove of America, but is a lawfull prize." This, in the opinion of the Court, "speakes nothing to the maine question," and they demand "an imediate answere to this our writeing, by the bearer our marshall, whether you will attend an issue here or not, . . . or whether you will put in such security to come to a triall in the court of Admiralty in England." Penny said he would give his own bond as security to appear in the Admiralty Court in London if Raymond would put in security to prosecute. The Court declared his bond would not satisfy; they expected "sufficient and standing security." After further parley the Court suggested that if Penny would deliver the vessel and goods taken from Raymond, it would be considered sufficient security until something better could be provided.[21]

That the captain might have time to recover his health and to prepare his defense, the Court adjourned on February 18, "to meet againe sometime about a fortnight hence. . . . Findeing that he did but trifle in this businesse, they drew vp a narative of their proceedings," which recited in substance the story already told. The Court complained that Penny "persisted by meere words and dilatory expressions to put off the businesse, . . . so slighting all authority." They called attention to the "offensive carriages of the captaine . . . together with some more then ordinary incivillityes pleaded against him by the said Raymond, as abuseing his sonne, detaining all his bookes of accounts and apparell in his chest, etc." The Court, therefore, ordered and enjoined: "That all estate, goods, or comodityes within his jurisdiction, belonging to the said Captaine Penny, or any of his company that have not disowned his acting in this

[21] *Records of the Colony of New Haven* (1653–1665), 328–331.

businesse, shalbe forthwith seized and secured, to answere for these injurious and contemptuous miscarriages." The captain was denied all trade and commercial intercourse with the inhabitants until he should "put in sufficient and standing security, to the vallew of 600 *li,* to come to a triall of his action with Mr. Raymond, either here or in England." [22]

The case was resumed at the end of February, both parties to the suit being present. Raymond told his story, which was to the effect that, not being able to get an English vessel, he hired the Dutch ketch at Stamford and took her to New Amsterdam. "Heareing that Captaine Penny was here to take Duch-men," he bought his ketch and "came northward, but as he was returning to the Mannatoes, being with in . . . a league and half of Stamford poynt, December the 7th," he was stopped by Penny's men. They had no commission and he showed them the bill of sale for the *Black Eagle,* but nevertheless they took her to New Haven. Raymond refused to go with them and, although an elderly man and thinly clothed, he waded ashore in the icy water. The next week he went to New Haven and met Captain Penny, who refused to recognize the bill of sale or to give any satisfaction; the suit followed. Raymond, deprived of clothing and other property on board his vessel, was obliged to travel about in the winter season preparing his case for trial, exposed to severe hardships.[23]

Witnesses were called and evidence submitted on both sides, including the bill of sale and the finding of the New Amsterdam Court of January 13, quoted on an earlier page. An error in the date of the bill of sale was made use of by Penny in an attempt to discredit the testimony. The Court, being unable to induce the parties to come to an agreement, drew up another statement of the proceedings, in which they emphasized the fact that the captain had provided no commission nor any authority under which he had acted; also that no such act of Parliament as Penny had represented, prohibiting neighborly commerce "betwixt adioyning colonyes of Duch and English in a time of amity betwixt the

[22] *Records of the Colony of New Haven* (1653–1665), 331–333.
[23] *Ibid.,* 334, 335.

two States of England and Holland . . . hath ever been sent over hither to be promulgate." Accordingly the Court ordered " that the whole matter be transmitted vnto the honorable court of admiralty in London, to be there tried and issued; meanewhile the whole estate, according to a true invoyce of what was seized, and just apprisemt, to remaine here vnder sufficient and standing security, to be payable vnto whomever shall have order from that court to receive it." The case must be brought to trial within one year.[24]

The Court having made such a temporary disposition of the case, " the captaine was told that the affronts he hath offered to the govermt here . . . remaines yet to be considered." He had disobeyed the governor's warrant requiring the delivery of Raymond's vessel and goods. His false statements regarding his commissions and his trifling conduct in general had offended the Court and he was told " that he had by these carriages much dishonoured himself." He had exhausted the patience of his own ship-mate and merchant. " Mr. Scott did desire it might be noted that he did protest against Captaine Penny, and declared that he was damnified 80 *li* by the interrupting of his proceedings in his voyage, occasioned by his act concerning the vessell he hath seized of Mr. Raymonds." Penny was now obliged to deliver Raymond's vessel and goods and also to give three hundred bushels of salt as security for private property of Raymond taken by him.[25]

Most of the efforts of plaintiff and defendant in these legal proceedings were expended in contention over the nationality and ownership of the ketch *Black Eagle,* while the question of Penny's right to prey upon the commerce of a friendly power aroused less interest. A fruitless search of the High Court of Admiralty papers in London indicates that no appeal was taken there. The quarrel was probably settled out of court, very likely upon the advice of Governor Winthrop. Later echoes of the case appear in the minutes of the Court of Burgomasters and Schepens, at New Amsterdam.[26]

[24] *Records of the Colony of New Haven* (1653–1665), 335–344.
[25] *Records of the Colony of New Haven* (1653–1665), 344–347.
[26] *Records of New Amsterdam* (1653–1674), IV. 4, 5, 109.

On the 25th of June, 1660, Governor Stuyvesant wrote to the Directors of the Dutch West India Company that Captain Penny's ship, the *Roebuck,* had sailed for Barbadoes about the beginning or middle of April; that charges against the captain would be useless; and that the matter had been brought satisfactorily before Governor Winthrop and the magistrates of Hartford and New Haven.[27]

Bonaparte's Hair.

From Charlotte Everett Hopkins (Mrs. Archibald Hopkins) the Society has received a lock of Napoleon Bonaparte's hair. Her grandfather, Edward Everett, received it in March, 1846, from Charles Lucien Jules Laurent Bonaparte (1803–1857), prince de Canino, a title he inherited from his father, Lucien, a brother of Napoleon Bonaparte. The hair is framed in a case of wood inlaid at the corners and sealed with four seals bearing the Prince's arms. This case rests on a stand of wood on which has been painted in golden letters:

ODOARDO EVERETTO AMICO SUO
CAPILLOS ALIQ: NAPOLEONIS M. PATRUI
CAROL. LUCIAN P. BONAPARTE D.D.[1]

The giver had devoted himself to science and particularly to ornithology and had lived for some years in the United States, where Joseph Bonaparte, his father-in-law, lived in Pennsylvania as the Count de Survilliers. As a naturalist he stands high and after a brief and not undistinguished participation in politics he devoted himself to scientific labors.

No letter appears to have accompanied the gift, which had been promised shortly before Mr. Everett's return to the United States from his English mission. The letter of acknowledgment read as follows:

[27] New York Colonial MSS. 13:116.

[1] William Everett interpreted the M to be "Magni" and the P. "Principio."

Boston, 24 March, 1846.

My dear Prince, — A few days after I wrote to you my letter of the 14th inst., I was so happy as to receive in safety the precious little box containing the hair of the Emperor. I am truly grateful to you for this invaluable relic which I shall ever preserve with the greatest care as an authentic memorial of one of the most distinguished of our race; and I shall take proper precaution that after my decease it shall be preserved in some public institution. I feel very sensibly your great kindness in imparting to me for the second time those souvenirs of your illustrious kinsman on which you must necessarily set so high a value.

Mr. Everett left this relic in his will to his daughter Charlotte Everett Brooks, and from her it passed by will to her daughter Charlotte Everett Hopkins.

Sir Humphry Davy to —— Bowness.[1]

Mr. Bowness, — You will make 4 Dozen of flies for Salmon on my patterns for Lord Viscount Gage. Let ½ a dozen of them be bright and have a Kingfisher's feather and a pheasant's golden feather.

Please to make for me a dozen salmon flies *smaller* than the last upon the size hooks inclosed, but let the hooks be snake bent, the colours of half a dozen exactly the same as those of the large Tweed flies inclosed, but the dun pater; the other half dozen must have a reddish brown body, black and red hackle and a brown spotted wing, such as the red brown salmon fly inclosed.

I send back the reel and a dozen of flies which I wish changed for Grouse Hackle flies. Lord Gage wants likewise 4 strong salmon *bottoms* gut and 4 *fine* do. bottoms, 3 yards. I am, Mr. Bowness, your obt. humble servant,

H. Davy.

My flies must be sent before Thursday.

Quincy–Dolbeare.

Edmund Quincy, son of Josiah Quincy (1709–1784), was born at Braintree, October 17, 1733, and died at sea March 31, 1768, at the age of thirty-five. In 1760 he visited Eng-

[1] From the Mrs. Grenville Temple Winthrop Collection, 49.22.

land and carried a letter from Jonathan Mayhew to Thomas Hollis, dated July 2, 1760, in which the writer stated:

The bearer hereof, Mr. Edmund Quincy, is a gentleman of liberal education, and one of my hearers, for whom I have a particular regard. He has been in trade for several years and now goes to London with design to settle a mercantile correspondence there — his father being a gentleman of very considerable fortune and distinction for our part of the world. Mr. Quincy (the bearer) informs me that he has some thoughts of engaging in the potash business, but is at some loss about the premium for encouraging the importation of that commodity from the British American colonies and knowing you, Sir, to be a distinguished member of the worthy Society for the Encouragement of Arts and Manufactures I have taken the liberty to mention you to him as a person certainly very able, and that doubtless would be ready, to resolve any doubts he might be under respecting that matter. The experience I have had of your benevolent and candid disposition induced me to believe you would not take this freedom amiss in me. Whatever courtesy you may think proper to show Mr. Quincy, it will I am sure be very gratefully acknowledged by him, and it will also be looked on as a new obligation laid on, Sir, etc.

P. S. If either curiosity or a generous concern for the prosperity of these colonies should induce you to make any inquiry concerning the state of commerce, learning or religion in these parts, I believe Mr. Quincy is very capable of giving you a true and satisfactory account.[2]

In the next year, 1761, he called upon Dr. Franklin in London, who wrote to the father, April 8, 1761:

I received your very obliging letter of December 25th by the hand of your valuable son, who had before favored me now and then with a kind visit. I congratulate you on his account, as I am sure you must have a great deal of satisfaction in him. His ingenuous, manly, and generous behavior in a transaction here with the Society of Arts gave me great pleasure, as it was much to his reputation.

The opposition of Dolbeare to the proposed marriage with his daughter turned Quincy's thoughts elsewhere and he be-

[2] A letter from Edmund Quincy to Mr. Hollis announcing the death of Dr. Mayhew and Hollis' reply are in the *Memoir of Thomas Hollis*, I. 337.

came engaged to Rebecca Lloyd of New York,[3] but being sent to the West Indies because of declining health, he died at sea. A "monody," believed to have been written by his brother, Samuel Quincy, was printed soon after his death.

His name occurs in the Boston Records. May 6, 1766, he was placed on a committee to report instructions to the representatives of the town in the General Court; [4] October 8, on a committee to take into consideration certain depositions on disturbances in the town, to procure additional evidence and report an opinion as to further action to be taken;[5] October 28, 1767, on a committee to prepare a subscriptions to encourage the produce and manufactures of the Province and to lessen the use of superfluities.[6] In November he was again on the town committee to prepare instructions for its representatives [7] — the last occurrence of his name in public affairs.

EDMUND QUINCY, 3D, TO BENJAMIN DOLBEARE.

BOSTON, Sep'r 20, 1765.

SIR, — I am perswaded neither your good sense nor your Humanity will suffer you to blame the Liberty I take in writing you this Letter. Had not my Happiness been greatly affected by the Commands you laid on your amiable Daughter with regard to me, you perhaps would have never had this Trouble, and I might now have been more at ease. Had I not mistrusted the steadiness of my Mind in an Affair that so nearly concerns my Welfare you w'd have received a Personal Visit instead of this. You will therefore I doubt not excuse every thing that may appear to you improper and rest assured I design nothing herein but that respect which every Good Man allows to be due to Years, Merit, Understanding and Virtue and which I shall always think due to the Father of her I Love. Far be it from me Sir to desire to deceive you. I acknowledge with sincere compunction I have been too much to blame in my early Youth, but perhaps not more so than many who have been more secret and retained a good Reputaton. That I have indulged myself in any one Vice except that one the most incident to Youth I defy the most malicious to say, That I

[3] *Proceedings*, XLIX. 479*n*.
[4] *Boston Rec. Com.*, XVI. 180.
[5] *Ib.*, 189.
[6] *Ib.*, 221.
[7] *Ib.*, 225. He is mentioned in the *Letters and Diary of John Rowe*, 122, 125, 145.

still continue in that, I am sure even they cannot justly lay to my Charge. That my Health has been impair'd or any incumbrances are the Consequences of my Youthful Follies give me leave to assure you there is not the least Foundation to assert. You have a Worthy Daughter and I cant but say your solicitude for her welfare heightens my Esteem for you, more than an unconcerned Consent could possibly do, and I solemnly protest if I once thought it was not in my Power to make her happy I w'd drop the Affair from this Moment if I had even your Consent. I can no otherways account for the peremptoryness of your Commands but that you have heard many insinuations, Slanders and even Lies abt. me, these I do not desire you sh'd disbelieve until I prove them false to your satisfaction. I w'd therefore beg you w'd indulge me with an Interview, perhaps you are mistaken and a better acquaintance may convince you that the wisest may possibly misjudge when the form not their Opinions from their own Experience but the Reports of Others. Let me beg of you to take the Affair once more into Consideration, and give me a fair hearing, it is a thing so nearly concerns my Happiness you will excuse my being strenuous. If I must be judged by the Opinion of others let me beg you to inquire of those who know something of me. I desire only to stand or fall by a just Judgement collected from impartial Evidence. I sh'd write more on this subject but that my own Tears and the Fear of saying anything that might give you Offence forbids me. You will therefore give me leave only to say, that if I hear nothing to the Contrary I shall wait on you Monday next at 10 o'clock when I hope you will be so much better inform'd that you will indulge me the greatest Blessing in Life I mean the Liberty of subscribing myself, Your Dutiful Son,

EDMUND QUINCY, 3D.

EDMUND QUINCY, 3D, TO BENJAMIN DOLBEARE.

BOSTON, April 21st, 1766.

SIR, — Unhappy as I was when I last saw you to have my request relative to your Daughter rejected yet I am perswaded you will not wonder at my renewing my solicitation when I assure you it is a Matter that nearly concerns my happiness. You was pleased when I last talk'd with you on this subject to say time might possibly remove your objections. it is in hopes of their removal that I now venture to repeat my request with only this

reasonable addition that before you absolutely determine you w'd be so good as to talk with your Daughter on the subject. Was I to write all I could say relative to the Affair I sh'd tire your patience and perhaps not mend my Cause. I shall therefore finish with assuring you that I have not forfeited my word with you by any clandestine Correspondence with your amiable Daughter and tho' I have been so happy as sometimes to meet her by Accident, I have never urged my suit further than to ask her leave to write this Letter. I am with much respect Y'r Humble Serv't

EDM'D QUINCY 3D.

CHARLES SUMNER TO CHARLES ELIOT NORTON.

Private SENATE CHAMBER, 2nd May, [18]64.

MY DEAR NORTON, — I regret very much that the Baltimore Convention is to be at so early a day. I see nothing but disaster from mixing our politics with battle and blood. The Presidential Question should be kept back as long as possible — at least until the end of summer. On this point I have no doubt. Do not regard me as dogmatical. I should not write on this point, if you had not expressly asked my opinion.

Unless the Convention is postponed, the future seems to me uncertain.

Of course I say nothing about candidates. *That question ought not to be touched now.* I say nothing upon it here, and take no part in any of the controversies. My relations with the President are of constant intimacy, and I have reason to believe that he appreciates my reserve.

As to the Bill for Freedmen, on which you propose to express a positive opinion, let me ask your attention to *three* questions:

(1) Should this Bureau be placed in the War Department or the Treasury? The House put it with the War.

(2) The House Bill separates the care of freedmen from the care of plantations. Some who are most familiar with the subject from practical knowledge, say that this is "worse than nothing, and cannot work." How is this?

(3) Gratz Brown insists that the House Bill furnishes no protection to the freedmen, so as to keep them from being made serfs or apprentices. On this account he announces that he would vote and speak against it. What say you? I mention these as points on which we are obliged to act.

The whole question is embarrassing from essential difference of opinion, and the peculiar character of the House Bill.

For myself, I am ready to take any bill and trust to the corrective of good sense in its administration and future legislation. Ever yours,

CHARLES SUMNER.

SENATE CHAMBER, 28th March, [18]68.

MY DEAR NORTON, — You are right in writing to me directly. At the present moment, it would be improper for me to go beyond generalities.

I am glad that Massachusetts may claim you; but, in view of your present desires, I wish you belonged to some other State, — almost any other. If you were of Penn. or Ohio, you would become a foreign minister more easily than now.

Already there are claims and speculations promising to absorb the patronage to which, according to the rule adopted, Mass. may be entitled. No less than four and even five Mass. persons are named for the Cabinet; at least two are named for the Mission to England, besides others for inferior missions. Of course I am not included in this list, for I am not a candidate for any thing. You will perceive that this competition must be in the way of any other aspirant.

I write this now, without mentioning names, that I may simply open to you some of the impediments.

At all times you can be sure of my desire to serve you and of my friendship; but whatever I do must be less according to my individual sentiments than controlling exigencies to which I may reluctantly submit. Ever sincerely yours,

CHARLES SUMNER.

HISTORICAL
RESEARCH

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Sincerely Yours
Lawrence Park

MEMOIR

OF

LAWRENCE PARK

By CHARLES KNOWLES BOLTON

In the library of Lawrence Park's home in Groton, with its oil paintings and engravings, its rows of familiar books, its cozy sofas and chairs, and the portrait of his great-grandfather looking down upon it all, there is a family Bible recording the births and marriages two hundred years ago of the Park family in "Balornoch" or Ballernock parish, Glasgow, Scotland. William Park, the first to settle in America, was a carver of beautiful slate gravestones. Here we may have the origin of Lawrence Park's absorbing interest in design and art. A few days before his death when, as was frequently the case, I went in to cheer him I said, "Lawrence, I hear that Mrs. Forbes of Worcester has found mention of eight or ten gravestones carved by your ancestor." He at once brightened up and replied: "Yes, those are the stones that were buried when the old cemetery on the site of the present city square in Worcester was levelled; the stones were laid flat and covered with soil. Don't you want to write to the mayor and ask to have the city square dug up in order that these gravestones may be recovered?"

Stuart[1] James Park, a grandson of William, was a well-known contractor and builder of his day, a day when massive granite public buildings were the fashion. This old gentleman, whose face now looks down in such dignified repose from the mantel, was known of old as the squire of

[1] So spelled in deeds and will, but Stewart in the family Bible.

Groton. He was the grandfather of Dr. John Gray Park, Junior, an able physician and administrator, who for many years presided over the destinies of the institution now called the Worcester State Hospital. The doctor although fond of drawing was always puzzled that his art-loving son cared little for the conventional prizes of life. This son, Lawrence, was born at Worcester, December 16, 1873. A few years ago he accompanied Mr. Herbert Thompson to the Worcester State Hospital to see a picture by Allston. An elderly employee, who had served under Dr. John Park, asked to meet the son "because," she said, "when he was here as a little boy he was the most unspoiled child in all the families of resident doctors." He owed much to a gracious and charming mother, Elizabeth Bigelow Lawrence, for his appealing traits as well as his sound training.

Lawrence prepared for college at Fish's (later Dalzell's) School, in Worcester. Among the boys whom he came to know intimately were several whose friendship he retained through life, Henry H. Fuller the Boston lawyer, Roger B. Merriman of Harvard, Alexander H. Bullock and Dr. Merrick Lincoln of Worcester, Dr. Edward F. W. Bartol of Lancaster, and George W. Knowlton, Jr. of West Upton.

He entered Harvard college in the year 1892, remained for four years, but did not take a very serious interest in the routine of study. The fall and winter of 1896–97 were passed in the School of Drawing and Painting in the Museum of Fine Arts in Boston. From 1897 to 1901 he was an architectural draftsman in the office of Shepley, Rutan, and Coolidge. It is a curious fact that he began his love for architecture almost with the cradle. Soon after he had learned to talk he expressed concern that his nurse did not show greater interest in new buildings under construction. He opened an office at 8 Beacon Street in 1901, but continued to live in Groton.

Mr. Park was not a part of the easy social life of the suburban commuter, but rode in the smoking car and kept much to himself. He enjoyed congenial fellowship, however, for during these years of 1898–1905 he saw much of a group of young men who, as members or guests, met at the gatherings of the Pewter Mug Club. Their names are

worthy of record: Ralph Adams Cram and Bertram G. Goodhue the eminent architects, Fred Field Bullard the composer, Herbert Copeland and Fred Holland Day the publishers, Harry Dick and Philip Savage, young men of great promise, Richard Hovey and Bliss Carman, the poets. Among his friends in the profession were Andrew H. Hepburn, Gordon Allen, and Edmund Q. Sylvester. As the years passed his singleness of purpose and somewhat limited interest drew to him only those new friends who in some measure sympathized with his own tastes. Among these was Edward Gray, whose untimely death affected him deeply, and Thomas B. Clarke and Robert Dutcher Sterling of New York. His equipment for his profession would easily have made him a successful architect, but he found the business side of architecture irksome. In the remodelling of the First Parish Church in Groton and in the designing of several private houses he gave abundant evidence of his ability.

Mr. Park married on November 16, 1905, at Groton, Miss Maria Davis Motley, daughter of Col. Thomas Lawrence Motley, who was for many years a distinguished figure in Groton. Worcester, where Mr. Park was born, and Groton were the two centres of his ellipse. He collected views of the one and was content to live his life in the other; European cities which would have enlarged his vision he never saw. Through his family connections he had long and pleasant social intercourse with the Bancrofts, the Lawrences, the Motleys, the Minots, the Winthrops, and other families of a distinguished circle.

In 1914, while writing a *Genealogy of the Descendants of Major Thomas Savage,* a work of great accuracy and erudition, he became interested in the Savage family portraits. In this way, no doubt, was stimulated his passion for the study of colonial portraiture. From that time on he went about with a sketch book in his hand, and as he became more and more absorbed in colonial portraiture he make excellent pencil copies of the portraits that he studied.

The first fruit of his investigation centered about the work of Joseph Badger, an artist whose name does not appear in books on American art. Badger, however, had a long and useful career, and Mr. Park, in robbing Copley and

Blackburn of much work attributed to them, has given these portraits to Badger and thus has made him a living figure in the history of colonial art. His critical study and catalogue of Badger's portraits appeared in the Massachusetts Historical Society *Proceedings* for 1917, and was reprinted in 1918 with the title *Joseph Badger* (1708–1765) *and a Descriptive List of some of his Works*. The illustrations assist the reader to understand the critical text. In the preface Mr. Park mentions three friends with whom he was engaged in continual consultation, the late Charles Henry Hart of Philadelphia, Mr. Frank W. Bayley and Mr. Walter K. Watkins of Boston, men whose scholarly tradition led them to share gladly all that they had in this field. The same year, 1918, he published an account of Mather Brown's portrait of President John Adams. I well remember his asking in a careless way what had become of a portrait that the Boston Athenæum had obtained from the estate of the late George F. Parkman. I said that we still owned it but did not know the names of the sitter or the artist. He offered fifty dollars for the canvas, but the Trustees refused to sell it. He then smiled and said " It was done by Mather Brown and represents the earliest known portrait of President John Adams."

As Mr. Park had treated Badger he treated Blackburn. His paper on this artist, delivered before the American Antiquarian Society in 1923, was a masterly discussion of his technique, followed by an exhaustive catalogue of his work. These studies of Badger and Blackburn reveal Mr. Park's grasp of the varied and minute details which taken together characterized each artist's style. That he could keep clear and distinct the habits of design and brush work peculiar to Copley, Stuart, Feke, Blackburn and Badger, as well as several of the southern painters such as Hesselius and Theus, shows that he brought to the problem of the authorhip of a portrait under critical discussion a wealth of technical knowledge, aided by an unerring memory and almost uncanny insight.

His intuition which was above and beyond anything that could be obtained by mere study enabled him to discern an artist's method by a casual observation of a portrait. One

day he was walking through a room at the Athenæum when he said "There is a good portrait by John Johnston." I asked how he knew and he replied "Oh, I don't know how I know, but I do know." I at once went over to the Registry of Probate, and there discovered that the donor mentioned specifically in his will this portrait of John Jackson and gave the artist as John Johnston. It was this ability both to do artistic work of a high order and to estimate critically the work of others that made Mr. Park, as his nurse in the last months of his life said, "a near genius." This was no surface trait in him. It was absolutely a part of his being and governed his whole life.

He cared little for sport although occasionally with a gun on his shoulder he went out in the early morning to tramp through the woods. When the Great War came on he became a private and later a sergeant in the Groton Provisional Military Company. In June, 1917, the Company enlisted in the Massachusetts State Guard as K Co., 19th Regiment, where he served as a private until discharged in June, 1919. He said very frankly that this experience proved to his complete satisfaction that he was not intended for the military life, and the disbanding of the Company came as a relief. At the same time in rifle practice both on outdoor and indoor ranges he became the best shot in the Company, to the amazement of his neighbors.

When Miss Helen C. Frick of New York desired an expert to accompany her, her friends, and a professional photographer in a survey of Virginian portraits in country houses, Mr. Park was invited to be a member of this party. There is abundant evidence from his delightful letters and even more delightful sketches that this expedition into Virginia in 1922 was an event in his life. Everywhere the flowers and the birds drew from him enthusiastic comment; gardens he loved and their plans he recorded. The economic condition of the life of the people he noticed; and such antiquarian matters as early architecture, heraldry, pronunciation of proper names, and southern customs awakened in him a new interest in everything about him. The next year he went to South Carolina with Miss Frick and her company, and there again had a rich experience, revelling

in the quaint architecture of Charleston and the less familiar towns. These were memorable experiences for Mr. Park, and no doubt his letters and sketches of this period will some day see the light.

For many years he had been accumulating steadily critical comments on the pictures of Gilbert Stuart, as well as photographs. On his return from South Carolina in 1923 he was not in the best of health, but began with the help of a secretary to put his Stuart material into permanent form. This work went steadily on, and the day before he passed away he was busily engaged in writing letters and in recording his estimates of the portraits under consideration. It was this absolute absorption in his task that no doubt prolonged his life beyond the time allotted by his physicians.

Mr. Park took a normal interest in the various organizations to which he belonged, the New England Historic Genealogical Society, the Massachusetts Society of Colonial Wars, the Society for the Preservation of New England Antiquities, the Bunker Hill Monument Association, the American Antiquarian Society, the Massachusetts Historical Society, and the Bostonian Society, as well as the local Historical Society in Groton. In 1917 he became a member of the corporation of the Worcester Art Museum and in 1919 was made curator of Colonial Art in the Cleveland Museum of Art. All these activities made his life a busy one even during the months when he appeared infrequently at his office in Boston. At all times his library desk was piled high with letters, but the daily arrival of the mail was awaited with growing impatience. The mail was his window into a world of interest. During the summer he went often with his family and the families of his friends on picnic expeditions where, while others played, he lay upon the ground with a book describing manor houses or cathedrals or the like, to which he could turn for enjoyment. During the progress of a discussion his pencil was always ready at hand as a more vivid method of explanation than words. In the autumn of 1923 he spent ten days at Newcastle in Maine, taking daily expeditions by automobile to the beautiful and historic towns round about, such as Waldoboro, Augusta, and Walpole. He was a delightful compánion on

such occasions, because even with the humility which characterized him he had positive convictions everywhere. He sketched and measured old churches and studied the sculptured designs on gravestones half hidden in the tall grass.

I have said that he was a near genius. It follows an inexorable law of nature that with his extraordinary powers there were also weaknesses. At times he could not bring himself to meet seriously the trivial demands that come into the lives of all of us. Absorbed as he was in the study of beauty, the common daily round of duty sometimes escaped his attention. He did indeed take a half humorous pride in being addressed as "The Squire of Groton," and he delighted (as a squire should) in a walk through his apple orchard and far over the beautiful hill at the rear of his house. He did not resent mention of Scotch traits which in some measure had come down to him from his Glasgow ancestors. On rare occasions he loved to stand with his back to an open fire and recount tale after tale of Scotch thrift, with an accent as true as might be after two centuries of severance from the parent soil. The novels of J. J. Bell, author of *Wee Macgreegor,* delighted him, although in later life he turned to detective and mystery stories, such as those of J. S. Fletcher.

He was by inheritance, by dignity, and by a certain aloofness a veritable country squire, but one who was by tradition rather than by habitual activity enabled to live the part. It is therefore less as "the Squire" than as a critic of art and a very sensitive lover of the beautiful in all its forms that he will be remembered. His work on Gilbert Stuart is but one of his contributions to scholarship, but inevitably its scope and profound learning will make it stand out as his most conspicuous effort. This he had carried far toward completion when he died on Sunday morning, September 28, 1924. Services were held in the First Parish Church, Groton, on October 1st, with the Rev. Francis E. Webster, a personal friend, officiating, assisted by two of the local clergy. Burial was on a westerly hillside in the Groton cemetery. Two sons, a daughter, and Mrs. Park survive him.

Mr. Park was tall and erect, his light brown hair con-

trasting with his darker tortoise-shell glasses. A portrait by Mr. Edward Tindale was painted in 1919 and hangs in the library. The artist has caught much of Mr. Park's poise of the head, but no two observers ever get the same vision of a sitter, and this is not Mr. Park in all his moods. And like this portrait any memorial sketch must present him in certain aspects only; it is one fleeting glimpse of a lovable and useful man.

DECEMBER MEETING.

THE Society met in the Dowse Library on Thursday, the 11th instant, at three o'clock, P.M.; the President, Mr. LORD, in the chair.

The Librarian reported gifts and deposits from Miss Clara B. Winthrop, Miss Florence Grosvenor Ward and Artemas Ward, Daniel Nichols Tower and Henry W. Cunningham.

The Cabinet-Keeper reported gifts and deposits from Miss Clara B. Winthrop, W. O. Comstock and T. Julian Silsby.

The Corresponding Secretary reported that Frederick Jackson Turner, of Madison, Wisconsin, had accepted Corresponding Membership in the Society.

The PRESIDENT announced the death at Brookline, on November 21, of Charles Pelham Greenough, a Resident Member of the Society since April 8, 1908, and called upon Mr. WINSLOW WARREN who spoke, but reserves his remarks for a memoir of Mr. Greenough.

A paper by GAMALIEL BRADFORD on Mrs. James G. Blaine was read by Mr. BOLTON. It will be printed elsewhere.

Dr. SHATTUCK read letters on a striking social event in Boston, which called out reminiscences from Messrs. Morse and Schaff and the reading by Mr. Bolton of a letter of Mrs. James T. Fields.

Mr. WOLKINS presented an unfinished miniature portrait of Daniel Webster by Miss Sarah Goodridge, together with several autograph letters from Webster to the artist, extracts from which he read. He also gave a brief sketch of Miss Goodridge, a pupil of Gilbert Stuart, whose portrait, now in the Boston Museum of Fine Arts, she painted.

Mr. NORCROSS presented with brief remarks a series of twenty-two lithographic views, chiefly of Boston, on the front pages of sheet music published in Boston from 1836 to 1850.

Mr. STIMSON presented his book, *My Story: Being the Memoirs of Benedict Arnold,* and made some remarks on

his treatment of Arnold's relation to Governor Joseph Reed of Pennsylvania and other public men of the time, and on his account of the problems of the time.

THE WINTHROP GIFT AND DEPOSIT.

Among the great benefactors of the Society in word and deed are the members of the Winthrop family. No less than twelve of the name have been on the membership roll, beginning with James Winthrop, librarian of Harvard College and judge of probate, elected in 1791 and carrying on to Frederic Winthrop, elected in 1908. In a period of one hundred and thirty-three years there has been only one interval — June, 1905–June, 1906 — in which a Winthrop was not on the membership list. Two Presidents of the Society have come from that family — Thomas Lindall Winthrop, 1835–1841, and Robert Charles Winthrop, 1855–1885. For a period of thirty-six years the destinies of the Society were in the personal control of these officers. A third, Robert Charles Winthrop, Jr., deserves special mention, for he and his father not only contributed time and thought to the best interests of the Society, but also collected and gave to the Society the most notable Winthrop collection of manuscripts, the very source of New England history in its first century and later.

To this summary of endeavor and achievement is now added a gift and deposit of Winthrop records, portraits and relics by Miss Clara Bowdoin Winthrop, daughter of Robert Charles Winthrop, Jr. Her mother during recent years gave from time to time some material and loaned objects of historical worth, and her generous interest is maintained by the daughter. A bare list of the recent acquisitions must suffice:

Pieces of an early English armor; a chair brought in the *Arbela* by Governor John Winthrop; the "Bowdoin Bishop," out of which General Washington and James Bowdoin are said to have taken punch.

Portraits and busts: Adam Winthrop (1498–1562), Governor John Winthrop (1588–1649), Governor John Winthrop, Jr. (1606–1676), Stephen Winthrop (1618–1658), Fitz John Winthrop (1639–1707), Wait Still Winthrop (1643–

1717), Ninigret, Governor Joseph Dudley (1647–1720), Mary Winthrop (d. 1713), wife of William Livingston, Anne Dudley Winthrop (1684–1776), Mary Winthrop (1708–1767), wife of Governor Joseph Wanton, John Winthrop, F. R. S. (1714–1779), John Still Winthrop (1720–1776), Governor James Bowdoin (1726–1790), Sir John Temple (1731–1798) — by Stuart after Trumbull — Elizabeth Bowdoin, Lady Temple (1750–1809), Col. Israel Thorndike (1755–1832) — by Stuart — Thomas Lindall Winthrop (1760–1841), Elizabeth Bowdoin Temple Winthrop (1769–1825), wife of Thomas Lindall Winthrop, Sir Grenville Temple (1768–1829) — by Trumbull — Margaret Temple — by Blackburn — and Robert Charles Winthrop (1809–1894) — by Healy. Busts of Thomas Lindall Winthrop, by Hiram Powers, and of George William Erving (1771–1850).

The Editor presented on behalf of Col. CHARLES EDWARD BANKS the following paper and documents on

THOMAS MORTON OF MERRY MOUNT.

Notwithstanding the painstaking and persistent efforts of the late President of the Massachusetts Historical Society in preparing his annotated edition of *New England's Canaan* (Prince Society 1883) to discover some conclusive and satisfactory details of the family connections and unrecorded life history of Thomas Morton of Merry Mount, there remained much fuller knowledge to be desired concerning the career of this most picturesque character in early New England history, when the imprimatur was finally decreed by the editor. The two great antagonists of this awkward gadfly, Bradford and Winthrop, with their almost complete monopoly of pens, ink and journals to pillory him in their pages, while agreeing in general that he was a hopelessly obnoxious person, disagreed in detail as to his connection with the legal fraternity in London. Bradford called him "a petifogger of Furnifells Inn" while Winthrop assigned him to Clifford's Inn. These are not fundamental discrepancies, but with the knowledge that both Bradford and Winthrop were personally ac-

quainted with Morton, it has been necessary to give each of them due credit for stating the facts correctly. As both Furnival's and Clifford's were always classed as respectable among the minor Inns of Court, neither Bradford nor Winthrop could have intended disparagement to his enemy by naming either as the location of his office and chambers, for Clifford's Inn was one of the legal appendages of the Inner Temple. With this monopoly of private journals, Winthrop and Bradford could and did give themselves free rein in caricaturing their opponents and unless, like Morton, they had the opportunity to retaliate in print and hold them up to public objurgation and ridicule, we get a decided error of refraction in our views of their victims.

During a prolonged visit which I made to England in the years 1922–1923 to conduct certain historical investigations relating to early New England colonization, one of the special objects of my sojourn was an intensive search for anything and everything that would throw light on the career of this interesting individual, both before and after his clashes with the Lords Brethren of Boston and Plymouth. Unusually good fortune came to me early in this work and before many weeks had passed in the various record offices of London I had gathered a fair sized collection of new material which now forms the basis of this paper. The documents themselves are intended as a gift to the manuscript collections of the Society. The comment which I shall make upon them has for its purpose a general view of the newly discovered facts about him, their bearing on what has been accepted before without dispute and the readjustments of judgment, if any, which need be made in the light of this evidence.

Briefly summarized I found four chancery suits in which he was either plaintiff or defendant, others in which it can be assumed that he was the Thomas Morton named in the suits; the record of his marriage and his will made before he undertook his last trip to New England, of which I have a photographic copy; of collateral interest, the documents include chancery suits involving persons associated with him by family or business ties; and finally such information as I was able to gather relating to the charge of murder laid at

his door by Winthrop, Bradford and all the rest of what Morton might call the "reptile press" of New England's Canaan.

1. *Family History.* Morton himself left no known statement upon, or any clue to his family connections or the place of his birth. The only reference he made to his early life describes his training in field sports, particularly hawking, but that cannot be localized in a land where hunting and hawking were the recognized diversions of country gentlemen in his day. That he was a gentleman by birth and by the social classification then accepted in England is established by numerous documents which give him such an appellation. It presupposes that his father was of the landed gentry, probably lord of a manor and had lawful right to use a coat of arms. A Thomas Morton, a lawyer in London, has been found belonging to the Mortons of Brocton Grange, Staffordshire, and the armorial seal affixed to his will is that of the Mortons of the same county. In a Star Chamber suit of 1608 Thomas Morton of Clements Inn is defendant in a suit for trespass upon certain property that was originally part of the estate of Richard Morton.

The Chancery Suits 1621–23. In reading and considering the allegations, answers, replications and rejoinders of plaintiffs and defendants in the legal practice of that century, it must be understood that the style of pleadings employed by the barristers was the flowery product of centuries of legal formalism. In cases of trespass upon property, for example, whether a defendant merely by word stated his claim to the land in controversy in the presence of a witness; or actually appeared with artillery to bombard the premises, he was engaged in a "riot." If the defendant appeared with his witness, having nothing in his hand but a warrant, he was charged with being "armed with sticks, clubs, swords, daggers, pistols and other weapons as well invasive as defensive." In answer to this the plaintiff would be verbally pilloried as conspiring with certain evil minded persons, named or "unknown to your orator" out of covetousness and unconscionable greed to deprive your orator of his rightful possessions. In addition to this turgid language to confuse values

there was the further complication of suits of a friendly nature, in which the most outrageous charges were made with tongue in cheek, to be refuted with equal zest, simply for the purpose of getting a judgment on record in favor of the plaintiff. While in a general way these remarks apply to chancery suits as a class yet in those to follow, where Morton was plaintiff or defendant, it can be said that they were genuine controversies between two fighting men and both were ready to carry them to a finish. It must not be forgotten, however, that neither of them was encased in armor, nor were they in command of troops of artillery laying siege to the property in dispute — except on paper. In further evidence of this it can be said that no blood was spilt, no hospitals laid under requisition, no lives lost, but from the yelling one might think that they were overlooking human shambles.

The death of one George Miller, a well-to-do gentleman originally from and native of Croydon, Surrey, but residing in Swallowfield, Berkshire,[1] caused all the trouble which brought Morton out of the dusk of three centuries into the limelight of the present day. Miller was the owner of considerable real estate in Swallowfield and Croydon of ample annual value and he needed it to provide for his wife Alice, by whom he had one son and five growing daughters. At the time of his illness when he made his will, 26 March, 1616, his wife was then with a seventh child which proved to be a second son, posthumous. By the terms of his will his wife had a life jointure in his estate, his children certain annuities chargeable to various portions of the estate for their support until marriage, and the widow and her eldest son, George, not yet out of his teens, were made joint executors. This son George will figure prominently in Morton's life for the ensuing decade and it may be as well to announce that though a youth he needed not to take lessons of Morton in rough and tumble fighting, and if one may judge his character he was a typical specimen of the high-born "rough neck"

[1] The Visitations of Berkshire (Harleian, LVII and LVIII) mention two daughters of George Miller of Swallowfield — Margaret, who married Richard Blagrave, citizen and Haberdasher of London (died 1650, aged 56); and Elizabeth, who married Henry Winchcombe of Bucklebury, co. Berks.

— rowdyish, disrespectful, cruel and cowardly. His mother charges him with refusal to go for a physician when his father was dying and in other ways showing indifference to his sufferings. Death came to George Miller, senior, and doubtless the young George, by nature cruel and tyrannical, began to assert his authority as eldest son and co-executor and, if we may judge by the pleadings, to take by force and spend for his own wasteful excesses the income of the estate. In this situation the widow sought legal advice and by some chance engaged Thomas Morton of Clifford's Inn as her attorney. That she had known him previously seems to be probable from a sentence in one of the suits where Morton speaks of "the said Alice havinge had longe continuance of acquaintance" with him though Morton and his wife stated that they had known one another for "about the space of foure yeares," which precludes a revival of an early romance. This move was not agreeable to the bumptious heir-at-law and immediately there sprang up a natural and, as it proved, a deeply-rooted hate in the young man's heart for this interloping solicitor of London. It lost none of its bitterness nor relentlessness for the ten years which followed their early clashes. The middle-aged veteran of many encounters here met a young wild-cat and they soon threw off all symptoms of friendly intercourse.

The acquaintance of the widow and the lawyer developed into the relationship of a champion protecting a maid against the assaults of a beast and grew to a point of friendship which aroused the suspicion of the son. He discovered that his mother was becoming attached by a tender sentiment to Morton, which was doubtless augmented by her reliance in him as a shield against the aggression and domination of her son. The heir-at-law in those days stood *in loco parentis* by custom and law and this young ruffian lost no opportunity to assert his "authority" over the entire family. Until something definite should occur, however, the son could not do anything overt in opposition, so he began to sap and mine the foundations under Morton by insinuations as to his character and standing and, of course, to intimate that all he wanted was possession of his mother's property. Failing

in this to dislodge the attorney from her favor he tried another scheme. He placed before her this test of his sincerity: she was to make over to her son a lease of all her interest in his father's estate for fifty years and if at the end of a year Morton remained her suitor honorably then the lease was to be void. This seems reasonable to us, but it is to be remembered that in those days the actual possession of a deed or document represented the physical possession of the thing itself when sold or leased, there being no such provision for recording instruments as we have today. By cajolery and threats, aided by friends who casually but continually dropped disparaging remarks about Morton in the presence of the widow, he finally dragged his mother down to Hampshire where further pressure was brought to bear on her negative mind and the deed was accomplished. Then he took possession of the lease and locked it up. It does not appear that Morton was influenced by it, even if he knew of it, and the mutual friendship continued unabated. Thus young George came into actual possession of her property and once on this secure ground he came in control of her own residence.

At this point the overt action began. As "Maister" of the house his mother became tenant at will, and how he treated her in that relationship, refusing her opportunity to bake, brew or draw water; selling her stock of cattle, using her grain and heaping upon her every indignity by "her most unnaturall sonne" whom Morton charges with "giving out in speeches that he was "sicke of the mother" and desired nothing "so much as the speedy endinge of her daies" — all of this and more appears in the pleadings. Meanwhile the son took a wife and added another kind of fuel to the flames in their household.

Morton alleges that this condition into which his client was placed precipitated retaliation on his part "for triall of the affection," and being "solicited by some of her neerest of kinne to take a wief and come and live amongst them," the widow and her solicitor finally and "suddenly" resolved to wed. All these events covered the period of five years and it cannot be reasonably charged against Morton that he was

scheming to acquire her property or was unduly precipitous in this affair, for had he not been in earnest the long courtship would have been abandoned for more promising game.

On November 6, 1621, Thomas Morton, gent, and Alice Miller, widow, were married in an adjoining parish, Tilehurst, Berks. The son says they were privately married in his absence, but considering all the circumstances it was probably a precautionary measure to prevent his riotous behaviour during the ceremony.

Out of all the deluge of charges, countercharges, rejoinders and replications the encounters of Morton and Miller are better condensed in the following account while the details must be read in the documents themselves. According to Miller, his trunk containing the lease was broken open by his mother, under the influence and guidance of Morton, the contents rifled and the lease defaced and cancelled, and thereupon in June, 1622, he sued his stepfather and his wife for trespass, naming four "conspirators" as riotously and unlawfully armed who aided Morton and his wife in breaking into the house on November 16, 1621, and evicting all the inmates except Miller's young wife who, "beinge greate with childe," locked herself in her chamber. The story of the siege of this self-immolated prisoner is told with solemnly ridiculous details, how she was fed by charitable neighbors with food and drink conveyed to her "by a stringe wch shee did lett downe out of the Roome." Only by the marvellous interposition of Divine Mercy were these kind-hearted people saved from violent deaths at the hands of Morton and his confederates, who shot at them several times. Again on January 3, 1622, Morton and his alleged crew of ruffians repeated this performance and once more on May 2, 1622, he appeared, pistol in hand, while Miller was present, as he avers, and did "most murderously and desperately pull the cock." Miller asserts that he had been surely slain had he not come to grips with his step-father, and in the struggle the weapon was discharged. Morton, who had come lawfully to serve a warrant on Miller's wife, who was being used as a pawn in her delicate condition, to keep Morton and his wife out of their own house, thereupon arrested her and took

her from the room where she had remained a voluntary inmate. Miller alleges that Morton violently dragged her out and cast her in prison. The other side of the story told by Morton is that she was not locked in her room, that there was no lock on the door; that she wouldn't come down to eat with Morton or his wife, that one of the daughters attended to her by carrying meals to her room, and when she left Morton loaned her his mare "saddled and bridled in very lovinge and decent manner," a man to attend her, and she departed to go to one of her tenant houses — not to prison. She was only arrested technically, so that she might give bond in a suit for ejectment which had been filed. Neither was she "great with child for that shee is not yet delivered" and the pistol was unloaded.

Morton claimed that the lease was obtained under duress, upon false pretences and was not executed in good faith, therefore it was void and of no effect.

In retaliation Morton brought a counter suit against Miller in Star Chamber on July 6, 1622, and unless we suppose that he was out of the kingdom at this important juncture in his affairs, the statement in *New English Canaan* that he arrived in New England in June, 1622, is an error of his pen or the type. It cannot be admitted that he was crossing the Atlantic then, for on May 3, 1622, he was "violently" assaulting George Miller, and in July following his suit against his step-son was being prepared for pleadings by his barrister. Had he been absent overseas, Miller would have seized upon that development in the drama and charged him openly with deserting his wife. No such absence is suggested in any of the records. We must therefore note this date of June, 1622, his supposed arrival, and revise all our previous theories of his coming to Massachusetts as well as of events supposedly dependent on it, chronologically.

Morton's Quarrelsome Step-son, George Miller. In order to arrive at a sound conclusion regarding the Chancery suits between Morton and his step-son, George Miller, it is necessary to ascertain what manner of youth he was, for he had scarcely arrived at his majority when he was in the depths of his struggle with his new step-father. That he was hardly

the knight-errant protecting his mother against a designing suitor may be better understood from a Chancery suit in 1620, when young Miller was the principal actor in an assault and riot in the parish church at Swallowfield, an abstract of which follows.

John Phipps of Swallowfield *vs.* George Miller *et als.*[2]

(Abstract)

Plaintiff states that a certain pew in the parish church had been allocated to the family as it was occupied by his grandfather and father as belonging to their manor; that one George Miller late deceased made request of him that his family might sit in said pew and permission was conditionally granted. The privilege was revocable whenever the requirements of the Phipps family made it necessary and was later revoked for that reason. The defendants Alice Miller and her son George Miller were accordingly notified.

George Miller came into church during service and the pew door being locked he proceeded violently, with many oaths, to break it open, whereupon Mrs. Phipps in ordering him to desist called him "Boy." In his rage Miller replied: "Dost thou call me boy? Gods wounds! If I were in bed with thee thou shouldst knowe that I were no boye." He then leaped over the door and tumbled on the heads and necks of the gentlewomen seated with the Phipps family, finally landing in the lap of Mrs. Phipps where he sat despite her protests. Then he picked her up bodily and threw her over the railing into the aisle, in sight of a Justice of the Peace who offered no remonstrance or help and only laughed at the proceedings.

The perusal of this document will indicate the type of young man who was shortly to lock horns with the redoubtable "petifogger" of Clifford's Inn, and if we are inclined to believe all the adverse criticism passed on Morton by his Puritan antagonists, we can at least admit that his stepson Miller was an opponent worthy of Morton's contemporary and posthumous reputation. Other suits which appear among the documents show that in dealing with his sisters' legacies he used all manner of legal devices to evade payment of them

[2] Star Chamber Proceedings, James 1. 239/17.

as executor, and one of his brothers-in-law and a sister-in-law were obliged to sue him for redress. His defense in one of his suits is that neither his father nor his brother were mentally capable of making a will, and this discloses the extremities to which he could go in slander to defend himself. In one of the cases the Court decreed that he had illegally obtained the dismission of the cause.

First Arrival in New England. It would seem that Mr. Adams in dealing with the date of his arrival in New England as in June, 1622, has given in his notes a plausible reason for questioning certain words in the text, because his *New English Canaan* was printed in Amsterdam probably without Morton's personal corrections. This doubt can be extended to dates which appear in this book although in two places — pages 17 and 59 — it appears that 1622 is given as the year of his arrival. It can hardly be credited that the Thomas Morton of song and story and history should have existed for three years in New England without attracting some person's attention. Governor Bradford, who had ample occasion and gave ample record of Morton's comings and goings, states definitely that he came with Captain Wollaston "three or four years" before the events of the year 1628 which he was then describing. He states that Wollaston and his companions "brought with them a great many servants with provisions and other implaments for to begine a plantation." Morton employs almost the same language when he says in his book: "it was my chaunce to arrive in the parts of New England with 30 Servants and provisions of all sorts fit for a plantation." These two contemporary statements surely lead to the conclusion that the "many servants" of Bradford and the "30 Servants" of Morton relate to an identical event, and it seems equally sure that 1624–25 is the true date of his first arrival rather than the one printed in his book.

The Murder Charge. Winslow, Bradford and Winthrop (including Nathaniel Morton, writing later and resting on Bradford) are all responsible for the slanderous charge against Morton which has no foundation in any existing record that I have examined. Briefly stated, the Lord Chief

Justice of England (Sir Nicholas Hyde) is stated to have sent a request that Morton be brought back to England to answer "a foul suspicion of murther," his victim being an unnamed partner in one of his enterprises. In compliance with this alleged request Morton was sent back to England in 1629 and the three writers report that he was confined for a non-stated period in Exeter Gaol. Winslow naïvely exposes the source of this singular charge as originating with his wife's son who is, of course, no other than the redoubtable George Miller. This is almost enough to classify it as a part of his campaign against his step-father and entitle it to just so much credit. The extensive search which I made throughout all the indictments and warrants issued on the authority of Chief Justice Hyde during his term of office 1627–32 fails to reveal any record of such a proceeding against Morton, nor do the Sessions Records of Devon covering gaol deliveries for the same period afford us any entry of his name as a prisoner at Exeter. While this evidence is negative, a still surer corroborative testimony is Morton's own silence on the subject. Had he been acquitted after trial of such a charge, or released from arrest on suspicion raised by his Puritan enemies for lack of evidence to prosecute, we should have had a full exposition of their contemptible slanders as proof of their relentless antagonism. He never missed an opportunity in his book to relate their petty persecutions of him and it is a sound conclusion that nothing of the kind ever took place because of his failure to mention it in defence of his position. We may attribute this "foul suspicion of murther" to the vicious mind of his step-son.

Morton's Property in New England. In his extensive annotations of Morton's book and the collateral contemporary documents concerning him, Mr. Adams omitted any explanation of two interesting letters concerning Morton written in 1643 and 1644 by Edward Winslow and William Coddington following Morton's last return to New England. Winslow wrote of him that he "promiseth large porcions of land about New haven, Narrohiganset, etc to all that will goe with him."[3] And Coddington writing to Winthrop in

[3] 4 *Collections* VI. 175.

August, 1644, reports that Morton stated, "he had lands to dispose of in each Province, and from Cape Ann to Cape Cod was one." (Palfrey, II. 147.)

The explanation of these statements is to be found in his will, printed below, in which he bequeaths to his cousin-german Tobias Mills all his estate in New England describing the different places by name, on the Quillepiock River, in the Province of Ligonia and Martha's Vineyard.

In what manner or under what circumstances Morton became possessed or thought he had title to these various properties is somewhat of a puzzle. As far as known the lands in Maine were held adversely to any such claim and it is well known that the island of Martha's Vineyard had been purchased by Thomas Mayhew two years before of both Lord Sterling and Sir Ferdinando Gorges, as these two members of the Council for New England claimed this island under the loose descriptive terms employed in the division of the Grand Patent.

Of the Province of Carlile I cannot speak with equal assurance as I am not confident of its location.[4] I presume it relates to the region around New Haven and that the River Quillepiocke or Quinapiack is the aboriginal name for the Connecticut River. It seems quite probable that Morton had acquired by purchase or gift from the surviving members of the Council for New England an interest in these properties prior to his last return to re-establish his fortunes, or he may have been acting as the agent of those members Sterling, Gorges and possibly the Earl of Carlisle.

Morton's Family Connections. The only direct information at present available on this personal phase is to be found in his will wherein he bequeathes his entire estate to his "Cozen German Tobias Milles and his "neece Sara Bruce, widdow." Thus far I have been unable to learn any particulars of Mrs. Bruce who may be the daughter of a brother or a sister of Morton. The "Cozen German," Tobias Milles, is undoubtedly the son of Edmond Milles of Eastrop Highworth, Wiltshire, gentleman. The parish registers of High-

[4] In the division of New England by lot made before the king June 29, 1623, the Earl of Carlisle drew number eighteen and his lands fell in Maine.

worth disclose the baptism of Tobias, son of Edmond and Margaret (Trember) Milles, 4 November, 1602, and the Prerogative Court of Canterbury (Book "Lee" folio 100), contains the will of Edmond Milles dated 12 May, 1638, in which he makes a bequest to Tobie Milles "my loving and obedient Sonne," to whom he leaves the residue of his estate and makes him executor of the will. It is to be noted that the probate of the will of Thomas Morton was not allowed until August 9, 1660, seventeen years after its execution, when "Sara Wilson *als.* Bruce" was given authority to administer and power was reserved to Tobias Milles, the other executor. On April 10, 1661, Tobias Milles was given authority as co-executor. The Administration Act Book of the P.C.C. for 1663 (fol. 97) contains the note that George Charlewood, principal creditor, was granted administration of the estate of Tobias Milles *als.* Mihill "Nuper in Partibus Transmarinis defuncti." Taking the will of Morton in 1643 as the correct statement of his domestic situation in 1643, he had neither wife nor child. We may assume that Mrs. Alice Miller-Morton had either divorced him or was dead. Whether this was his first marriage is a matter of conjecture and it can only be said that as far as known he died without lawful issue. The name Morton is not a common one in England. Of his social standing there is sufficient reason to accept the title of gentleman as belonging to him, according to the custom of the period, and to take cognizance of his use of a seal affixed to his will which bears the legitimate Morton device.

These documents, while furnishing much interesting evidence of the life of Morton prior to his first immigration to New England, do not yield enough conclusive testimony to permit us to qualify the existing judgment on the character of this "stormy petrel" in colonial politics. While we can waive the pleadings of his rowdy stepson whose necessities caused him to defame the solicitor of Clifford's Inn for property reasons and laugh at the exaggerated statements of his partisans, yet we cannot obscure the final judgment of the court that he was disobedient to its decree and, finding himself worsted by the decision, sold his wife's clothing and fled

to parts unknown. This will be sufficient confirmation of all that has been said against him by his enemies and their subsequent protagonists. Putting the most charitable construction upon this period of his career, one feels ready to adopt the conclusion of Mr. Adams that, after all is said *pro* and *con,* he was a social, political and religious misfit in Puritan New England. He would cause no excitement in England by the performances which he staged in Berkshire or Merry Mount, but with Bradford and Winthrop as censors he was a " bull in a China shop."

His seal. The wax impression of the seal on Morton's will shows the charge of a goat's head and the impression indicates that it was made by a ring, being small in size. As the goat's head is a charge borne by at least six families of the name of Morton, the seal gives us no clue as to his family connections. The same device was borne by the celebrated Cardinal Morton (1420–1500), Archbishop of Canterbury and Lord Chancellor of England. It is interesting to note that the Morton family of Croydon, Surrey, the family home of George Miller whose widow married our Thomas Morton, was also entitled to use the goat's head as one of its heraldic charges.

Burke's *General Armory* gives the following coats of arms to families bearing the name of Morton who are entitled to use a goat's head as the principal charge:

MORTON (granted to Thomas Morton, Esq. of Lechdale, 15 May, 1515 by Wriothesley, Garter). Quarterly, gu. and erm. in dexter chief and sinister base a goat's head erased ar. attired or, in the centre point a fleur-de-lis within a crescent of the last.

MORTON (Erbeck, co. Hereford). Quarterly gu. and or, in the 1st quarter a goat's head erased ar. on a chief of the second three torteaux, each charged with an escallop gold. Crest — An eagle, wings expended erm.

MORTON (co. Kent, and Croyden, co. Surrey, John Morton, Archbishop of Canterbury 1486, d. 1500). Quarterly gu. and erm. in the dexter chief and sinister base a goat's head erased ar. attired or. Crest — A goat's head erased ar. attired or.

MORTON OR MORETON (Milbourne St Andrew, co. Dorset, bart. extinct 1698; descended from William Morton, younger son of Charles Morton, Esq. of Morton, co. York; of this family was John Morton, the celebrated Cardinal Morton, Archbishop of Canterbury and Lord Chancellor of England, temp. Henry VII; Sir George Morton of Milbourne St Andrew was created a bart. in 1619. His son and successor Sir John Morton of Milbourne St Andrew d. 1698 leaving a dau. and heiress Anne, m. Edmund Pleydell, Esq. of Midgehall, co. Wilts, M.P.). Quarterly gu. and erm. in the sinister chief and dexter base a goat's head erased ar. attired or.

MORTON (Cardinal John Morton, Bishop of Ely 1479–86; Archbishop of Canterbury 1486–1500. Arms in the Divinity School, Oxford. Visit. Oxon 1574). Same Arms.

MORTON (Thomas Morton, nephew to Cardinal Morton, Archbishop of Canterbury, d. 8 Henry VIII A.D. 1516. Visit. Leicester 1619). Quarterly, erm. and gu. in the 2nd and 3rd a goat's head erased ar. attired or.

MORTON (Whitehorse, Croydon, co. Surrey; arms of Sir Robert Morton). Quarterly 1st and 4th, quarterly gu. and or, in the dexter chief and sinister base a goat's head erased ar. attired of the second, on a chief, az. three bezants, each charged with an escallop of the 1st; 2nd and 3rd ar. a chev. btw. 3 lapwings rising sa., for Twiniho.

Thomas Morton of Clement's Inn. It will be well in this connection to consider the possible identity of a contemporary solicitor bearing the same name and called in 1611 "of Clements Inn" London. (Star Chamber Proc., Bundle 47, File 9, James I.) He has proved to be son of Richard Morton of Shropshire who died in 1585 seized of various properties in that county and in Stafford when the son was a minor. (Inq. Post Mortem, Chancery, Series II, Vol. 197, No. 50.) The estate was placed in the Court of Wards and Liveries until he reached his majority. Meanwhile he matriculated at Queens College, Oxford, in March 1597[–98] aged seventeen, which carries his birth back to 1580[–81], a date which is confirmed in later years by Exchequer and Chancery Depositions 1630 and 1635 made by him in suits at law. In various legal actions subsequently a fairly con-

tinuous record established him as Thomas Morton of Brocton Grange, co. Stafford, and while these documents show him as having been as litigious as our Thomas Morton, engaging in trespasses, riots and conspiracies, yet two or more dates are conflicting and other evidence definitely differentiates these two lawyers of the same name, members of two of the minor inns of court at the same period. On July 17, 1622, this Thomas Morton was party to a suit in Chancery (C. 3. 367/67) as of Brocton Grange, while our Thomas Morton in May and July, 1622, as of Clifford's Inn, gentleman, was engaged in his suits against George Miller, his stepson (Star Chamber Proceedings 212/19, 20). These might be reconciled but for the fact that Thomas Morton of Clement's Inn and Brocton Grange had a son Richard, born 1618, who matriculated in 1634 at Magdalen College, Oxford, and later was a student at the Middle Temple. Our Thomas Morton had neither wife nor child according to his will and it may be said that he was too good a lawyer to ignore them if either existed. This might be explained by their deaths before 1643, but a final clash of dates disposes of this promising clue. In 1630, Easter term, Thomas Morton of Clement's Inn and Brocton Grange made a deposition (Exchequer Series 6 Charles 1, Easter 11) while our Thomas Morton was then in New England under arrest prior to his second banishment from his beloved land of Canaan. This removes him as a candidate for the historic immortality which will always attach to the creator of Merry Mount in New England's annals.

CONSIDERATIONS NECESSARIE TO BE RESOLVED UPPON IN SETTLING THE GOVERNOR FOR NEW ENGLAND [1635.][5]

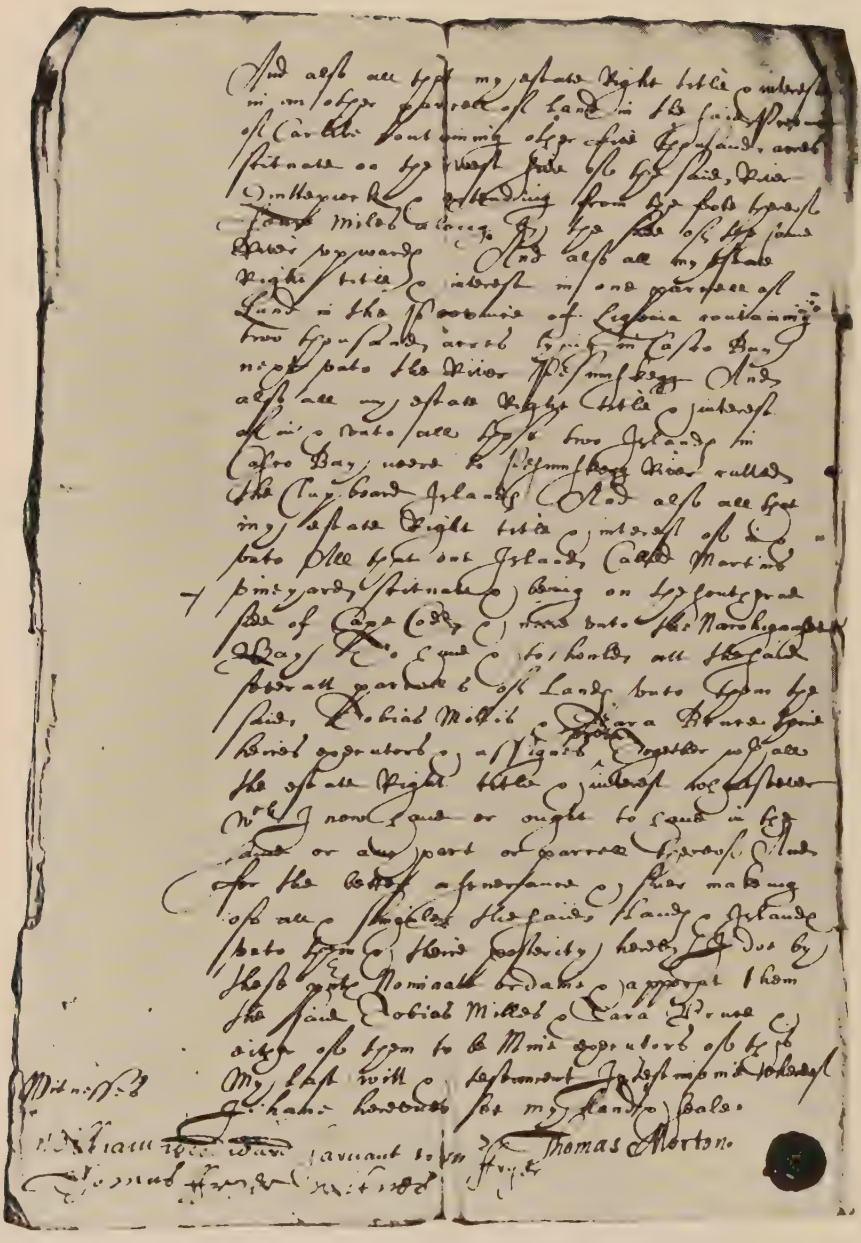
The concluding paragraph is as follows:

"What fruite is to be expected from such as they are who dare to say. That if a drunken Governor be sent over there, if they take him drunke they will put him in the stocks & send him back againe. Whether it be not more than tyme these people should be looked into is humbly referred to better consideracon."

[5] State Papers, Colonial, VIII. No. 34. The entire paper is in *Sir Ferdinando Gorges* (Prince Society), III. 267. As compared with the handwriting of Morton's will this paper is, without doubt, in identical chirography.

In the name of God Amen the 23th day of
August 1642 I Edward Morton of Stepney
in the County of Middlesex being in perfect health of
body & memory & taking into my serious consideration
the transitory estate of this Mortall life
being mindfull that little my estate in such sorte
as it is be settled by some may be for the
advancement & advantage of my nearest & kindred
& posterity in those gifts named and their posterity
hereafter it shall please Almighty God to
take me & this short life away & make
a end of me I have for these ends & purposes in
manner & forme following & not otherwise I
do bequeath my soule unto Almighty God
trusting assuredly that in & through the
Merrits of Jesus Christ my Saviour & Redeemer
to be made partaker of his kingdome of
heaven prepared & bequeath
my body to the earth from whence it came
& touching my estate & goods I
Die [illegible] & bequeath unto
my loving Cosen [illegible] my
Grandmothers window Elizabeth my estate
right title & interest of in & unto
& quality & use of in unto all those my lands
tenements & hereditaments in New England in
in New England & America & hereafter in
my own enjoyment & I do ordain & make the
said Elizabeth my true & lawfull
executrix of this my last will & testament
& the rest residue & remainder of my goods
chattels & personall estate whatsoever
shall remain after my debts funerall charges
& legacies discharged & paid I give & bequeath
unto my said Cosen Elizabeth & I do
hereby ordain & appoint her my
executrix to receive & take the same
& dispose thereof as she shall think fit
& I do hereby revoke & make void all
former wills & testaments by me at any time
heretofore made & declare this to be my
last will & testament & no other
In witness whereof I have hereunto set my hand
& seal the day & year above written
Sealed & delivered in the presence of
[illegible]

9. 4to 96



Will of Thomas Morton of Clifford's Inn, gent.[6]

In the name of God Amen. the 23th day of August 1643. I Thomas Morton of Clifford's Inne London gent being in perfect health of body yet takeing into my serious consideracon the transitory estate of this Mortall life and being minded to settle my estate in such sorte that the benefitt thereof may be for the advaincment and advantage of my Nearest of Kindred hereafter in these presentes named and theire posterity whensoever it shall please Almighty God to take me hence, I doe therefore ordaine make and create this my last will and Testament in manner and forme following that is to say Imprimis I doe bequeath my soule vnto Almighty God trusting assuredly that in and through the Merittes of Jesus Christ my savioure and Redeemer to be made partaker of the Kingdome of heaven with all believers and I bequeath my body to the earth from whence it came. Item as touching my estate Reall and personall I Doe hereby ordaine devise and bequeath vnto my Loving Cosen german Tobias Milles and vnto my neece Sara Bruce widowe All that my estate right title and interest of what nature and quality soever, of in and vnto all those my Landes tenementes or hereditamentes whatsoever in New England in America hereafter in these presentes menconed. That is to say All that my estate Right title and interest of in or vnto All that one parcell of Lands within the Province of Carlile containing five thousand acres scituate on the East side of the River Quillepiock and extending foure Miles along by the side of the said River from the foote thereof into the Landes And also all that my estate Right title and interest in an other parcell of land in the said Province of Carlile Containing other five thousand acres scituate on the west side of the said River Quillepiock and extending from the foote thereof foure miles along by the side of the same River vpwardes And also all my estate Right title and interest in one parcell of Land in the Province of Ligonia containing two thousand acres lying in Casco Bay next vnto the River Pesumskegg[7] And also all my estate Right title and interest of in and vnto all those two Islandes in Casco Bay neere to Pesumskegg River called the Clapboard[8] Islandes And also all that my estate Right title and interest of in and vnto All that one Island Called Martin's Vineyard, scituate and being on the southerne side of Cape Codd, and neere vnto the Narohiganset Bay. To haue and to hould all the

[6] P. C. C. Nabbs, 221.

[7] The Pesumsca Falls are mentioned in the patent to Cleves of 1637 and the river was the Presumpscot of the Trelawny Papers.

[8] Part of ancient Falmouth.

said severall parcells of Landes vnto them the said Tobias Millis and Sara Bruce theire heires executors and assignes forever Together with all the estate Right title and interest whatsoever which I now haue or ought to haue in the same or any part or parcell thereof And for the better assurance and suer makeing of all and singular the said Landes and Islandes vnto them and theire posterity hereby I doe by these presentes Nominate ordaine and appoynt them the said Tobias Milles and Sara Bruce and either of them to be Mine executors of this My last will and testament In testimony whereof I have herevnto set my hand and seale

THOMAS MORTON (SEAL)

Witnesses:

WILLIAM WOODWARD saruant to Mr. Fryer
THOMAS FRYER witness

Probatum fuit Testamentum suprascriptum apud London cor venli et egregio viro Willimo Mericke legum d'tore Curia Prerogativae Cantuars Custode sive Commissario l'time constitute nono die mensis Augusti Anno domini Millimo Sexicentimo sexagesimo Juramento Sara Wilson als Bruce unius Ex:rum in eodem testamento nominat Qui comissa fuit. Administraco omn et singulorum bonorum jurium et creditorum dict defunct de bene et fidelr Administraco eadem Ad Sancta dei Evangelia In debita Jurio forma Jurat Reservata tamen potestate similem commissionem faciend'm Tobiae Wills (*sic*) altero Executoris in eodem testamento usumiat cum venerit eadem petitur.[9]

Tobias Miles als Mihill	Quinto die Emt Com° Georgio Charlewood credditori principato Tobiae Miles als Mihill nuper in partibus Transmarinis defuncti [10]

Abstract of Will of George Miller, gent, Swallowfield, Co. Berks pt. 26 March 1616.[11]

To poor of Croydon, Surrey, where I was born.
To wife Alice, executrix, my lands etc. plott called Upmershmead.
To " My many children, some very young " lands called Langleis in Swallowfield.
To son George Miller, under 21.

[9] On April 10, 1661, Tobias Mills, the other executor, was granted power of administration.

[10] P. C. C. Admin. Act Book, 1663, fol. 97.

[11] P. C. C. Cope 26.

To eldest daughter Anne, Collm and Stamford Coppice.
To my other six daughters under 21 viz. Mary, Margaret, Susan, Dorothy, Joan and Prudence; lands in Stanford Hartley, Shinfield and Whitley.
To brother Robert Miller my house in Croydon called the Bull.
His brother Leonard Miller is mentioned.
"My wife Alice is now with child" and provision is made for expected heir.[12]

Chancery Proceedings.[13]

24 May 1622 — To the Right hoble and right Reverend ffather in God John Lord Bishopp of Lyncolne, Lord Keeper of the greate Seale of England.

Humbly complayning unto your good Lopp your dayly Orator Thomas Morton of Cliffords Inn, London, gent, and Alice his wife, late the wife of George Miller late of Swallowfield in the County of Wilts gent, deceased that whereas the sayd George Miller in his life tyme that is to say about five years since made his last will and testament in writing and amongst divers other guifts and Legacies therein specified hath given and devised unto Mary Miller, one of his daughters a porcon of three hundred pounds for her advancement in marriage and to be raised by an annuity or yeerly rent charge of one hundred pounds a yeere graunted unto her the sayd Alice to bee yssueinge and goeinge out of all his messuages, Farmes, Lands, tenements and hereditaments in Stanford, Swallowfield, Hartley, Shinfield, and Whitley and forth of every part thereof, excepting those which the sayd George by the same will hath given and graunted unto her the sayd Alice, with a Clause of distresse in the same will specified for the Recovery thereof. And of the same will made her the sayd Alice executrix And shortlie after the making thereof hee the sayd George Miller dyed, leavinge. George Miller, gent, the eldest sonne and heire then in his mynoryty, and divers other children then behinde, joyning the sayd George Miller his sonne togeather with her the sayd Alice. executor uppon Condiccon as by the same will (Amongst divers other things therein Contayned) more playnely and att large it doth and may appeare. Shortly after whose decease, the sayd Alice performed on

[12] The will accounts for seven children and one in utero, indicating a married life of sixteen years, or 1599 as the date of marriage. Supposing that Alice Miller was eighteen at marriage in 1599 it would carry her birth to 1581 and thus make her forty when she married Morton.

[13] Chancery Proc. Bundle 368/10 Series ii.

her part the said Condiccon and proved the sayd will, and hath taken uppon her the due execuccon thereof, but the sayd George having long sithence accomplished his full age of one and twentie yeers hath refused and yett still doth refuse to performe the Condicon on his part, and to take uppon him the execucon of the said will, And the sayd Alice having of late joyned herselfe in Matrimony with your sayd Orator Thomas Morton So it is maye it please your good Lordships that one Thomas Humphrey of Dar[e]nte in the County of Kent yeoman who hath married and taken to wife her the sayd Mary Miller, Combining and Confederating himselfe togeather with the sayd George Miller the sonne, and with one Mr Thomas Hilman who had a desire to have married with one other of the daughters of the sayd Alice, being all of them mischievously and unconscionably mynded toward her the sayd Alice, contrary to all right and Equity and practized and doe practize howe they may gett out of the estate of your sayd Orators three hundred pounds over and besides the three hundred pounds menconed in the sayd will. And to that end they the sayd George Miller and Thomas Hilman or one of them have prosecuted and yett doth prosecute suite att the Comon lawe against your sayd Orator and his wife in the name of the sayd Thomas Humphreyes, Declaring and Clayming thereby three hundred pounds by a promise made unto him the sayd Thomas Humphrey by her the sayd Alice in her widdowhood, in confirmacon of his marriage with the sayd Mary, making no mencon att all of the guift by the sayd will, and where in truth and in honest meaninge she your sayd Oratrix Alice did by chaunce lett slipp a Word, that they or any of them might take hould of, as in deed she cannot Cirtainely Remember what words did passe betweene them about the tyme of the sayd marriage; yett is not the estate of her the sayd Alice of sufficiency to inhable any such promise, neither doth she beleeve that she hath made any such promise, as they pretend. And beside the sayd Thomas Humfrey, confessing the receipt of two hundred pounds, according to such promise by pretending that there is yett one hundred pounds more due by the sayd promise, yet because the Sayd Alice in the mynority of the sayd George hath beene in suite for the defence of his tenure in the Court of Wards to her greate coste and expenses as well as the molestacon and trouble she hadd during that suite and expended therein one way and an other aboute the sume of three hundred pounds as the sayd Humfrey Hilman and George Miller cannot denye, for that the sayd Hilman hadd the orderinge and disposing of a greatt parte of the sayd Monyes, and the sayd Humfrey and George

Miller the disposing of the rest, and perceaving her estate by reason of her greate charge of children to be very much weakened, the Sayd Thomas Humfrey was very well content to staye and take the some of one hundred pounds of the sayd George when hee should come of age, Who is heire unto the sayde George his father and hath the Inheritance of the sayd lands out of which the rent charge is graunted, which sayd George hath promised to paye the same hundred pounds unto the sayd Humfrey, and the sayd Humfrey hath promised that he would accept of the same in full discharge of all demaunds to bee made against her the sayd Alice, as in all right, equitie and good Conscience hee ought to doe and performe. And the sayd George Miller and Thomas Hilman, or one of them is att all or the most part of the charge, for the mayntayninge of the suite against your Orators, for the Recovery thereof, as your sayd Orators by the favor of this most hoble Court hope to prove, if they or any of them should uppon their oaths denye the same. And although they the sayd Thomas Humfrey, George Miller and Thomas Hilman doe well knowe that the same is true, And that there is one hundred pounds of the sayd Annuity due to [your] Orators att our lady day last, and that the said Orators have taken distress uppon the sayd Lands for the recovery of the said hundred pounds which is soe as aforesaid due att our lady day past, yet howe they incouraged and yett still doe encourage the tenn[an]ts uppon the same Lands and tenements not only to refuse to make payment of the sayd hundred pounds but also to make Rescusses of the Cattell that have beene distrayned. for the Arrearages of the sayd Rent charges and to commit pound breaches and ryotte contrary to lawe, equity and good conscience. And the sayd George the Sonne hath given it out in speeches, that if his sayd Mother were dead, not one of his Sisters nominated in the sayd will should have one penny of theire porcons. payd unto them And seeketh by all means possible, wrongfully to vex and molest his sayd Mother, thereby to shorten her life, and hath attempted and used great violence against her, whose estate and joynture for life would by her death come unto him the sayd George as heire to his ffather; wch sayd George as it seemeth, is in some hope that after her death hee might the better scrive with his Sisters. and bee the better able to defeate them of theire porcons, Contrary to lawe, equity and good Conscience, and hath divers wayes abused her the sayd Alice his naturall mother, by beating and kicking her, havinge not the feare of God before his eyes nor any manner of reverence, regard or respect of dutye towards the sayd mother, but being Covetously mynded rather wisheth to injoy the benefitt of

her estate then her welfare life or prosperity. And that she should rather perrish and come to mynde, then hee should bee crossed in his malicious plotte, and intendments. In tender Consideracon of all which the premisses, and for as much as there is an hundred pounds of the sayd Annuity due nowe, att our Lady day last and that your Orators have endeavored att theire greate coste and charges to recover the same, beinge willing that the sayd Humfrey should have the benefitt thereof in full satisfaccon and discharge of his wife porcon. and that the sayd George hath promised to paye the same to him rather then his tennants should bee molested, or their Cattell destrayned, and that the sayd Humfrey hath allwayes beene willing to take the same of the sayd George Miller, the sonne who hath sithence hee came of age promised to paye the same and hath appoynted the sayd Hilman to see the same performed, who hath Confessed that there is in hand an hundred pounds of the sayd Annuity reddy to be payd downe if there might bee a discharge given for the same. And for that your Orators are and have beene allwayes willing that the sayd Humfrey shall have the same. and that they will give him authoritye to receive itt at the hands of the sayd George and to make a sufficient discharge unto the sayd George uppon the receipt of the sayd hundred pounds if they may have an acquittance from the sayd Humfrey testifyeing the receipt of his sayd marriage porcon, as in all Equity and good Conscience the same ought to bee done. May it therefore please your good Lordships to graunt unto us your Orators, his Majestie most gracious writt of Subpena unto them the sayd Thomas Humfrey, George Miller, and Thomas Hilman to bee directed thereby straightly charging and commaunding them and every of them, at a Certayne daye and under a Certayne payne therein to bee expressed, personally to bee and appeare before your good Lordships in his Majesties most hoble Hight Court of Chauncery then and there to answere unto the premisses, and to sett forth upon theire Corporall oathes whether or no the sayd hundred pounds. bee not payable att Michaelmas and our lady day and how longe is it since the said George Miller came of age; whether or noe there bee not an hundred pounds reddy of the sayd Annuity, And in whose hands the same remayneth. and whether or noe they or some of them have not Confessed soe much and whether or noe the same hath not beene promised to bee payd if your sayd Orators would give a discharge for the same. And whether or noe the sayd anuitie bee not seiled uppon your sayd Orators and whether or noe your Orators ought not to have hadd the same payd unto them before this tyme and att what tyme the same should have beene payd and

Seal of Thomas Morton
(*enlarged*)

whether or noe your Orators have not offered to give a discharge for the receipt thereof, uppon the payment of the same, to the sayd Humfreys, And whether or noe the sayd Alice hath not beene hindred in her estate three hundred pounds by reason of her defence of the tenure of the sayd George his landes out of wch the sayd Anuities is graunted, and what some or somes of money they or any of them have hadd or knowne or have heard to have beene payd expended or disbursed by the sayd Alice or securitye given for payment therefor of any parte or parcell thereof in or aboute the defence of the Lands out of wch the sayd Anuitie is graunted. And whether they doe not thinke it was done by her with a good intent and zeale towards her sonne. And whether or noe the sayd George Miller hath not given it out in speeches that if his sayd Mother were dead his Sisters should have never a penny of their porcons or words to that effect. And whether or noe the sayd George Miller and Thomas Hilman or one of them is not the stirrer of this unnaturall suite. And what some or somes of money they or either of them have disbursed in or aboute the same. And whether or noe they doe not knowe. that your sayd Orator Thomas Morton hath not distrayned uppon some part of the Sayd Lands for the arrearages of the sayd Anuity. And further to stand to and abide such further order and direccon touchinge the premisses as to your good Lordships shall seeme to stande with Equity good Conscience, and your sayd Orators according to their bounden duty shall dayly pray for the prosperous estate of your good Lordships in all health long to continewe.

Thomas Morton et ux *vs* George Miller.[14]

Answer of Thomas Humphreyes. [Abstract.]

1. General Denial.

2. Mary, daughter of late George Miller is now his wife and they were married six years since.

3 Alice widow of George, promised him £300 to be paid in installments of £100 at Christmas, another at the Annunciation of the Blessed Virgin, (a year after) and the last payment a year later.

4. Has received £200 but the last £100 is yet unpaid.

5 Has brought suit to recover in the Court of Exchequer

6 Denies that George Miller promised to pay the sum due when he came of age out of the rents of Estate.

7 Denies that there is money on hand in estate to pay the £100.

[14] Chancery Proc., Series ii, 368/10.

8 "The Complaynants or thone of them as he verily thinketh have received more and greater Somes of money forth of the Said profitts of the Lands than the said one hundred poundes amounteth unto."

CHANCERY AFFIDAVITS.

George Miller gent pt con. Tho. Morton and Aliciam ux def

The sayd Thomas Morton maketh oath that upon the twelfe day of March last he served the said George Miller with a subpena for thirty shillings Coste awarded unto him out of this Courte and gave unto the sayd George the subpena under the seale of this Court and demanded paymt of the sayd thirty shillings who not only refused to make paymt thereof but scornefully denyed the same cryinge twittle twattle. Jurat 13 Aprilis 1622

RO. RICHE [15]

Intrat r 8 p filas r 9 May

Inter Georgium Myller gener pltf et Thomans Mooreton et ux deft

Whereas about the latter end of Michus Tearme last the said plt served the deft with a Subpena to appeare in this court about the beginning of Hillary Tearme laste and whereas the said deft obtayned XXX*s* Costes the last tearme agaynst the pt for want of a bill.

Now the said pt maketh oath that after this deponents service of the said defts with the said Subpena, all matters in difference betweene this deponent and the saide defts were referred to the fynall end and determynacon of Richard Amherst and Richard Tilney of Grayes Inne in the County of Midd, Esquires. And for this purpose this deponent and the said defts did enter bonds each to other to stand to the award of the said Arbitrators which bonds beare date the eighth day of January last. And this deponent also maketh oath that after the said matters were referred to arbitrament, as aforesaid, the said defts obtayned thirtie shillings costs against this deponent for want of a bill. And this deponent lastly maketh oath that he had prepared his bill ready to bee put into this court according to the returne of the said Subpena and this deponent also maketh oath that the cawse whie hee did not fyle his bill was for that the Cawse was referred to arbitrament as aforesaid. Jur. 9° Maii 1622 RO. RICHE [16]

[15] Chancery Affidavits, Easter 1622. No. 2.

[16] Chancery Affidavits, 1621, Hilary Term, 135.

STAR CHAMBER PROCEEDINGS JAMES I [212/19.].

[3 June, 1622.] George Miller of Swallowfield *vs.* Thomas Moreton et al Roger Edwards Thomas Waller Michael Titcombe John Cooke als. Edwardes

The Plaintiff recites that his mother Alice Miller widow of George Miller was "about a year last past earnestly solicited to intermarry with one Thomas Morton a person of noe certaine abode and one that hath been heretofore a Comon solicitor of Causes and a very turbulent and troblesome person to the Comon weale beinge expelled out of an isue of Chauncery for his lewd and wicked behavior and the said Alice beinge afterwards very much greived and discontented in respect shee had not only so much wronged herselfe by the said contract to soe base a person and of noe worth, but especially in that shee shold wronge all her children of their several porcons of three hundred pounds apiece" etc.

He further recites that his mother gave a lease of her interest in her jointure to her said son George, by his request, to protect the estate; "whereby yf the said Thomas Moreton did prevaile with her to marry him he should not make havock thereof and soe cozen and fraude her children of their several porcons."

The plaintiff held, occupied and improved this estate from March till October last past (1621) "about which tyme the said Thomas Moreton beinge not only an importunate suitor with the said Alice for the consummatinge of the said marriage betwixt them but most especially to shoe his owne cuninge and unlawful ends and to gaine the whole estate to himselfe the said Thomas Moreton did uppon or about the said month of October last past most unlawfully practise, labour and perswade the said Alice Moreton (when the plaintiff was absent) to break upp his cupbords, tronkes and chests and Ryfle and search the same for the said lease of ffiftie yeares to deface and cancell the same."

He further recites that the said Alice did so break open as described and "carrie away" the said lease; thereupon the defendant "did privately marry and take to wife the said Alice uppon the fifteenth daie of the said month of October last past," in the absence of the plaintiff.

He recites that Morton, aided by Roger Edwards, Thomas Wells, Richard Beadle and "dyvers other strange persons" did by force eject the plaintiff's wife and family from the mansion, which he had leased as above described, and "on the sixteenth daie of

November last past beinge riotously and unlawfully armed with divers warlike and unlawfull weapons as well invasive as defensive " did break into the plaintiff's dwelling house in Swallowfield, " overthrowinge the doors and walls of the same " and did expel all the inmates " exceptinge your plaintiffs wyfe whoe beinge greate with child had locked herselfe upp together with one mayd servant whereupon the said Moreton being very much discontented in that he could not cleere the house by reason that shee had locked herself so strongly with two doors did vowe and resolve to famishe her," inhumanely without any respect of her being great with child and he prevented neighbors from relieving her distress, but on the third day they came and supplied food and drink to her " by a stringe which shee did lett downe out of the Roome " whereupon Morton and his confederates did break down the doors and " hale and dragg " the plaintiff's wife " out of her naked bedd," having no respect for " the Lords Saboth " without suffering her to clothe herself or allow the maid to properly dress her. Having ejected them the confederates are alleged to have " consumed in Riotous and unlawfull manner the plaintiffs meate and drinke."

Further recites that on the 3d of January following the said Morton and his confederates did again enter in a riotous manner the plaintiffs house " through a window " and when they again found that neighbors were trying to relieve his wife's distress by bringing her food they threatened to murder them; " did shoot and discharge a gun charged with powder — shott them severall times " and they would have slain them " had not God marvellously preserved them."

And Morton from that time till the " second day of this instant moneth of Maye " (1622) continued these unlawful practises. Morton pretended that he had a warrant to arrest the plaintiff's wife and did forcibly and violently drag his wife out and cast her in prison. Thereupon the plaintiff considered evidently that it was time he did something to protect his abused wife and " seeking to rescue her out of their hands the said Thomas Moreton did then and there in contempt of your Majesties lawes for carryinge of pistolls most murderously and desperately pull up the cock of a pistoll charged with powder and shott which hee had in a readiness to shoot at your said subject and had then surely slayne your subject had hee not sodainely prevented the same by laying hold of the pistoll; and strugling with him the pistoll was discharged wch the said Moreton perceiving and being exceedinglie incensed to be crossed of his enterprise hee the said Moreton and his riotous consorts did then and there in furious and savage manner " pos-

sess themselves of the plaintiffs house and chattels to his great damage etc. etc.

[Endorsed:] " Tertia die Junii Vicisimo Ja. R " [3 June 1622.]

The Joynt and Severall Answeres of Thomas Morton Gent. Roger Edwards, Thomas Wells, Michael Titcombe gent, fower of the defendants to the Bill of Complt of George Miller, gent, Complt.

The said defendants and either of them savinge unto themselves nowe and at all times hereafter all advantages of exceptions to the uncertaintie and insufficiency of the said Bill of Complainte for answere unto soe much thereof as concerneth them these Defendants to make answere unto saye and either of them saith and first the said Thomas Moreton for himself saith that hee verily beleeveth that George Miller gent in the said Bill named was seized of such estate as in the said Bill is specified for that hee hath heard that the lands and tenements whereof he died seized weare worth above two hundred pounds per annum and it is very probable for that over and besides that parte which he hath by his last will settled uppon his wife and a deduccon of an hundred pounds a yeare for the Raisinge of his daughters porcons there is Remaininge a very sufficient and a Competent part for the maintenance of the Complainant if he could be contented with divers fittinge houses for his habitacon without troublinge his said Mother but as for his personall estate this deft doth not beleeve that it was of such value as is menconed in the bill and saith that hee doth beleeve that the said George disposed of his estate by his last will wherto for more certaintie he referreth himself. And that hee died about five yeares before the said Complt came of age. And saith that he doth not beleeve that the mansion howse menconed in the said Bill with the barnes, orchards, howses, gardens and easements thereunto belonginge and the sixe closes and the mead weare bequeathed unto the said Alice for the Raysinge of childrens porcons but only for a joynture for a terme of her life. But saith that he beleeveth that the said Alice had such a legacy bequeathed her as in the said Bill is menconed and that he made the said Alice and the Complt executors and that the said Alice was possessed of the howse and lands aforesaid and the moyche [moyetie] of the goods and chattels aforesaid. And this defendant saith that as hee being imployed by her the said Alice in some business that concerned her was solicited by some of her neerest of kinne to take a wief and come live amongst them and the said Alice havinge had some longe continu-

ance of acquaintance with this deft and beinge then Resolved to have the marriage between them sudenly solemnyzed, which beinge knowne unto this Complt he the said Complt beinge then in his minoritie did earnestly intreate this deft to have a lease of the said mansion house and lands in the said Bill menconed and to buy the goods and movables there who was very well contented to give his consent thereunto at which tyme this Complt requested this defts hand to a note in writinge to that purpose at which time if made and paper had binne brought him this deft had donne accordingly; which lease this deft would have had comenced at some certen time then to come when this Complt should bee of age that if hee would not have given a valuable price for the Corne then in the ground for the stocke of cattell and such goods and household stuffe as he desired to have left upon the premises, this deft and his wief might have had time freely to have disposed of the same, but the prosecution of this request being neglected and this deft havinge business at London did take his journey accordingly beinge accompanied with the said Complt Butt this said Complt havinge a purpose as itt seemes to abuse his mother and make himself a Comon Spectacle to the world hastened downe to his mother and there did procure divers woomen that were unacquainted with this deft to Villife this deft and to perswade her to deny the contract that had passed and perswaded her that if my suite weare comenced for the profe of itt he would be att the Chardge to defend the same and laboured the sayd Alice to passe away all her estate before the celebracon and earnestly intreated her as shee hath confessed to this deft to make a lease of parte of the premises to the said Complainantt for triall of the affection of this deft professinge and promissinge the same should be in her owne keepinge to be confirmed or revoked at her pleasure and to that end perswaded her as this deft hath bin by her informed to goe with him to the howse of one Mr. Richard Tylney, and if shee have sett her hand to any writinge to such perswasions and uppon such terms promises and protestacons as indeed the said Complt has at severall times confirmed and confessed soe much, but this defts wief that shee promised him to saye shee had made a lease to see what would become of itt, then as this deft hoped by the favour of this most honourable Court the same if any were voyd and ought to be voyd and of none effect. And this deft utterly denyes that hee hath or ever had any meaninge to make havocke or to defraud the children or any of them of their porcons, but saith that if any fraud bee, itt is used by the said Complt against this deft and his said wief and against her other children left uppon her handes to be main-

tained, for that uppon false pretence of promises and actes the Complt cominge of age made use of all the estate his mother was possessed of and spent and consumed her haye grasse corne cattell chattels goods howsehold stuffe and implements of howsehold and all manner of necessary provision for howsekeepinge whereof shee was in Easter terme last very well stored and where by an order of the Sessions made at Twelfetide last they have lived in the said Messuage by divided households where the said Complt to vex and greive his mother continues and will not suffer her to bake or brue there or have water out of the well or to occupy any other parte of her estate in peace soe that this deft hath receaved but six and twenty shillings of the Revenues thereof since his inter-marriage with the Complts mother for and towards the maintenance of her children. And this deft sayth that hee hath heard that the said complt not onlly would have had of his said mother a lease of the premisses to be conformed unto him, but also would have had her cattell at small prizes which because shee Refused to parte with her estate in such manner the said Complt made a shewe of being Maister and tooke and converted the profitts of them to his own use and sould and disposed of the same at his pleasure to her greate greife who littell thought to be soe dealt withall by her owne child in such unnaturall manner and not onely carried away the corne then groweinge on the ground uppon the lands in the said Bill menconed but also all the corne which shee had growinge els where against her good likeinge and hath refused and yet hee doth refuse to make any recompense to his said mother or this deft without extremitie of lawe for the same whoe seinge herself soe much abused and like to be undone by the said Complt, her most unnaturall sonne, who as the deft thinketh desireth nothinge so much as her Ruine and the speedy endinge of her daies as itt doth plainly appeere for that he hath given out speeches that he is sicke of the mother, sicke of the mother in lawe, sicke of the uncle, sicke of the Auntt as this deft hath binne very creddible informed. Shee the said Alice did send unto this deft to come to her to proceed in perfecting their marriage who about the time of the bill menconed did perfect and celebrate the same, the children and family of his said wief beinge then and always before that time resident and abidinge in the said howse as in the Right of their mother whose Joynture itt is for terme of her life at what time there was not any of the ground in the said bill menconed sowed or plowed up to be sowed but the corne and hay was turned but this was done with the helpe of her the said Alice and hired servants [*illegible*] and other provision but this deft and his wief had

the best right thereunto havinge not taken anythinge in money or otherwise for the same and what was done without the good likeinge of his said mother who would have binne Maister of her owne her selfe but that the Complt would not suffer her, and denied both her and her children left within her chardge as they have confessed in peace and quiett to eate of their mothers provision which he against his said mothers good likeinge, beinge at that time come to bee of the full age of twenty and one years, made himselfe maister of without helpe and as itt seems lived there with his mother and the rest snatchinge and snarlinge and brawlinge at every meale because that the said Complt shewed himselfe soe unruly nowe that he was come of age and insteed of comfortinge her whoe had suffered him and his wief to live with her sans accompt render did altogeather vex and discomfort her. And the said Alice beinge not [ ] of the possession of her said joynture this defendant saith about the sixteenth day of November in the said Bill menconed he came to the said howse accompanied by the said Roger Edwards and in very peacable manner and did enter the doores being neither barred nor locked, the said Alice his then wief beinge then in the said howse, and this hee did to noe unlawfull purpose but to the end to live lovingly with her and her small children and to preserve both her and them from the wronge and injury done and intended to be donne to them by the Complt who hath given forth speeches as this deft. hath binne creddibly informed that if his said mother were dead not one of his sisters should have a penny of their porcons and this defendt doth deny that he perswaded the said Alice to breake upp the Complts cubbards, trunkes or chests or to rifle or search for the lease in the said Bill menconed neither doth this deft. beeleve that the Complt had any cubbards, trunkes or chests in the same howse where his mother then lived, but that they were all his said mothers, and not by her disposed of unto him or that he perswaded her to search for any writings at all deface or cancell any Writings as in the said Bill is untruly charged and this deft saith that he beinge in peacable manner in the said dwelling howse togeather with his said wief which is parcell of her Joynture and in which shee now dwelleth and hath dwelt since the death of the said George Miller by all the time of this defts acquaintance with her which is about the space of foure yeares, soe this deft beinge informed by his said wief howe the state of things stoode and that which her sonne did there was by force and not by faire meanes, hee this deft gave leave to such persons as were neither her children nor her servants to depart in peace and as for the usage of the Complainants wief shee

was entertained with great curtesie and Respect and they supped togeather the first daye that this deft came thither to his said wief and was conducted and lodged by them in the best lodginge and as many daies as shee stayed there was intreated to eate with them who because shee came not had enough of the best meate and necessarie provision and one of the children of the said Alice to attend her that shee might want nothinge; in which chamber though shee stayed shee neither was locked in neither could bee because there was no lock either to the doore or the portall of the same who because shee came not downe in all that time this deft and his said wief went into her chamber to her to see her and in peaceable manner questioned her about her not cominge amoungst them and findinge her dislike intreated her to departe and provided a man to attend her with a mare of this defts saddled and bridled in very lovinge and decent manner who seemed to be willinge to goe to one of her tennantes howses soe shee departed uppon request of this deft and his said wief not beinge then great with child for that shee is not yet delivered. And this deft further saith that about the second daye of Maye in the sayd Bill menconed hee came home to the sayd messuage in the sayd Bill menconed, beinge his lawfull dwelling howse where he found his said wief and children, having procured a lawfull warrant from the then Sheriff of the County of Wiltes, under the seale of his office directed unto the said Roger Edwards and Thomas Wells in the said Bill named, for the arresting of the Complt and his said wief; By virtue of which warrant they the said Roger Edwards and Thomas Wells, finding the said complts wief within the sayd howse they did arrest her to the end that shee might give bond with sureties accordinge to the Statutes in that case made and provided because the defendant had a purpose to trie an ejectment for the lawfull obtayninge of the possession of his wives joynture being by her ejected of a part of the same. And saith that at the same tyme hee came home thither, having that daye rode a long journey in thewich(?) wayes, as this deft verily thinketh, and the reason why he carried the sayd Pistoll about him was for his owne defence onely and not otherwise, and sayth that the sayd Pistoll was not charged with powder and shott, as the Complt hath alledged, nor was by this deft discharged or shott off. And the said deft Roger Edwards for himselfe saith that in the month of November in the sayd Bill menconed did he come to the howse in the sayd Bill menconed onely accompanied with the deft Thomas Morton, where when they came they found the wief of the said deft Thomas Morton in the kitchen of the same howse where they peaceably

entered without deniall of anybody. And came to salute her as mistress of the said howse. And further sayth that in the moneth of Maye in the said Bill menconed he arrested the said Complts wief lawfully by virtue of a warrant from the Sheriff of the sayd Countie of Wiltes under the seale of his office directed unto him and with Thomas Welles another of the defts that assist them and required her to give bond for her appearance according to the purport of the said warrant which was at the suite of the defendant Thomas Morton. And this deft Thomas Wells for himselfe saith that upon the second daye of Maye, in the said Bill menconed, hee did assist the deft Roger Edwards in the lawfull arrestinge of the Complts wief att the suite of the defendant Thomas Morton, by virtue of a lawfull warrant directed to them from the Sheriffe of the County of Wiltes requiring her to give bond for her appearance accordinge to the tennor and effect of the sayd warrant. And this defendant Michael Titcomb for himselfe saith that about the third day of Januarie in the sayd Bill menconed hee then being deputy for the under sheriffe of the County of Wiltes hadd a warrant under the hands and seale of Sir John Dawtey Knight and Giles Toker Esq. two of the Justice of the peace for the County of Wiltes directed by especiall words aswell to the Sheriffe of the said County as to any other his Maj[estie]s officers within the said county for the apprehendinge of the Complainant to the end that he might be brought before the said Justices or some other of the same County to fynd suerties for his appearance at the next Generall Sessions of the Peace to be houlden for the said County, and for his keepinge of the peace in the meane tyme towards our Sovereign Lord the King and all his liege people, especially towards the defendant Thomas Morton. And likewise hee saith that hee hadd other lawfull authoritie to arrest him uppon proces, out of the Kings Bench. And that hee came to the howse in the said Bill menconed and was receaved by the deft Thomas Mortons wife as mistress of the said howse whoe was in the said howse att the same tyme. And that hee did arrest the Complt havinge lawfull authoritie. And as touchinge the Kings Bench processe he did take bond for his appearance and suffered him to remayne in the sayd howse untill the Cunstable came. And as touchinge the said warrant hee delivered the same to the sayd Cunstable to take charge of the sayd Complt and soe departed leaving the care and charge of the due execution of that to the Cunstable of Swallowfield in the said Bill menconed. And theis defts and every one of them saye that as touchinge the Ryotts Routs, unlawfull assemblyes, breaking upp of cupbords, trunks, Chestes, doores walles

and unlawfull Entryes, defacing or cancelling of deeds, obligacons or writinges and all other the misdemeanors and offences menconed in the sayd Bill, they say that they or any of them are not guilty or culpable in such sort, manner or forme as in the said Bill and informacon is alledged. All wch matters and things aver and prove as this most hoble Court shall award. And therefore most humbly praye and every of them prayeth to be dismissed from the same with theere and every of theere cost and charges, in their Behalfe most wrongfully sustayned.

AMHERST

STAR CHAMBER PROCEEDINGS. JAMES I [212/20.]

6 July 1622. To the Kings Most Excellent Majesty

Humbly complayninge sheweth unto your most excellent Majesty your true loyall and obedient subjectes Thomas Morton gent and Alice his wife late the relict of George Miller late of Swallowfeild in the County of wilts gent deceased that whereas the said George Miller in his life tyme was lawfully seised of an estate in Fee simple to him and his heires of and in one Capitall messuage or dwellinge house in Swallowfeild aforesaid wherein he then inhabited and of Six closes of Arable Pasture ground and of a meadow called upmerch meade in Swallowfeilde aforesaid to the same messuage adjoyninge and belonginge, and allso of diverse other messuages landes tenements and hereditaments in the said County of Wiltes and els where in the realme of England to the value of Two hundred pounds per Annum at the least and the Said George Miller soe beinge thereof seised he the said George Miller about Five yeares since made his last will and testament. And amongst divers other guifts and Legacies in the same will comprised and specified, he the Said George Miller by the same will did give and bequeath unto her the Said Alice for a recompence of her Joynture and satisfaccon of her dues all that the said Messuage and the said Six closes of Arable and pasture ground and the said meadow called upmerch mead to have and to hould to her the said Alice for and during the Tearme of her naturall life and of the said will made the said Alice executrix as by the said will more at large appeareth. And shortly after the makinge of the said will he the said George Miller Att Swallowfeild aforesaid dyed leaveinge behinde him diverse small Children to be mainteyned and disposed of by the said Alice. By and after whose decease shee the said Alice did prove the said will and did take upon her the execucon of the

same. By force and vertue whereof shee the said Alice was and is lawfully seised of and in the said messuages lands, tenements and hereditaments soe bequeathed unto her as aforesaid as of her Freehould for terme of her naturall life and did enter in and uppon the same and take possession and profitte thereof and dwelt in the same howse and had the same very well stored and furnished with household stuff and all manner of goodes and chattells and other implements of householde and a great stocke of Cattell and Corne bothe in the house and barnes of the same house and allso good store of Corne then growing upon the grounde in all amounting to the valew of foure hundred poundes at the least. And the saide Alice beinge possessed of such an estate as Freehould for terme of her life in the said messuage and landes and of Such a personall estate in and upon the premisses she the said Alice about the fourteenth day of Aprill in the yeare of our Lord god 1621: at Swallowfeild aforesaid did lawfully contracte herselfe in marriage unto your said subject Thomas Morton with whome she had beene acquainted by the space of Foure yeares at the least. But now soe it may please your most excellent majestie that one George Miller sonne and heire of George Miller deceased the eldest sonne of the Said Alice liveinge in the house with your subject Alice beinge a younge man of an untemperate condicon and most incorgble that for his evill carriage and behaviour towards his parents had beene disinherited by his said father, but that the said Alice his naturall mother did from tyme to tyme hinder him from the doeinge thereof he the said George Miller haveinge knowledge given him of the said contract and perceavinge that he could not hinder the said marriage did unlawfully plott and practice together with one John Cravett of Heckfeild in the County of South[ampton] gent and one Richard Tilney of Rotherweke in the same County Esqr to defeate and defraud your said subject Thomas Morton of the benefits which might lawfully accrue unto him by the said marriage and for the effectinge thereof they the said George Miller, John Cravett and Richard Tilney in the absence of your subject Thomas Morton whilst he was gone for a lycense to marry the said Alice conceavinge if the said George could by anie couverable pretence obtaine a lease of the said house and lands that then he should alsoe gett the actuall possession of all the personall estate and did labour and prevaile upon the said Alice to make a lease of the said messuage and lands wherein shee dwelt and to induce her thereunto and to take away all suspiccon of doubtinge from her did agree to have an unproved rent to be preserved upon the same and the said Richard Tilney by the unlawfull abettment and procurement of the said George Miller and John Cravett and for the

more secrett carriage of their practice and the speedy executinge of theire unlawfull purpose did frame and contrive a certeine writinge in parchment purportinge a lease from your subject Alice to the said George Miller of the said messuage and lands, soe bequeathed to her as aforesaid for the terme of Forty yeares under the rent of Fifty pounds per Ann with a condiccon of re entry for non payment thereof and caused your subject Alice to bee drawne to the house of the said Richard Tilney there to seale the same before your said subject Thomas Morton could retorne from London or the Said Alice could be advised by anie of her frends therein. And yet the said Alice beinge afterwards unwillinge to seale the said writinge of lease signified such her unwillingnes to her said sonne George and tould him that shee feared that shee might receave some damage by alteringe the estate that her former husband had setled upon her and that shee had chainged her minde and was resolved not to seale to anie thinge in the absence of your subject Thomas Morton. But the said George tould her that the said Richard Tylney would be angry thinkinge that shee did mocke him and assured her that if she would seale shee should for more surety have the writeinge in her owne custody and that if she would not hereafter allowe of them they should be of noe force and that he the said George would not take anie benefitt by them, protestinge that if your said subject Thomas Morton should but understand of any such thinge done he would forsake her. And your subject Alice haveinge noe suspition of the said Richard Tylney that he would have a hand in anie evill practice against her because he was an overseer of her former husbands will and had penned the same and believinge that if shee did seale the same should be of noe force shee the said Alice went to the house of the said Richard Tilney where she secretly sealed the said lease and the said writinges were after the sealeinge thereof kept secretly in the Cupbord of the said Alice in the said dwellinge house where she contynued in possession as in her owne right, her said sonne George and his wife liveinge allsoe with her in the same house untill about the thirteenth day of November last at which tyme the said marriage was by your subjects celebrated and they lived together in the said house and contynued in possession thereof and the said George Miller and his wife lived as sojourners els where as they before had done with your subject Alice in her widdowhoode. And your said subjects kept house together very peaceably afterwards untill about Christmas last about which tyme the said George Miller by the unlawfull abettment of the said John Cravett and Richard Tylney published the said lease in the hearinge of your subject Thomas Morton and said the same was sealed

about Whitsontyde to commence at our Lady day before that and that the corne that then was in the house was therefore his to which your subject answered as the truth was, that if there were anie such made it was but fraudulent for that there was noe rent paed for the halfe yeare past nor anie some of money or other satisfaccon given for the corne which had beene sowed upon the grounde before the makinge of such lease or anie permission therein conteyned or otherwise made for the stocke of Cattle which was upon the premises or for the goods in the said house or anie parte thereof. And although the said George Miller and John Cravett well knewe that your subjects answer was true and that your said subject alice did never intend that the said George should take anie advantage or benefit to himselfe thereby yet the said George Miller and John Cravett by the unlawfull abettment of the said Richard Tylney most unlawfully assembled to themselves at Swallowfeild aforesaid about the Nynteenth day of December last one Richard Alexander of Swallowfeild aforesaid yeoman one Avis Davis als Luce of the same, Richard Budde of the same and Wm Crowe of the same with dyvers others riotous and disordered persons to your subjects as yet unknowne whose names they humbly pray may be inserted into this Bill soe Soone as they shall have been discovered. And the said riotous persons beinge then and there riotously and unlawfully armed and furnished with Gunnes, pistolls swords staves and dyvers other warlike and unlawfull weapons as well invasive as defensive about the said nyneteenth daye of december did by the unlawfull Abettment and procurement of the said Richard Tylney ryotously and unlawfully repaire to your said subjects dwellinge house at Swallowfeild aforesaid and did then and there by the abettment and procurements aforesaid in riotous warlike and unlawfull manner with theire said weapons riotously and forcibly breake and enter into your said subjects dwelling house in the absence of your subjecte Thomas Morton and did then and there overthrow the dores and walls of the same house in the absence of your said subject and did then and there alsoe in riotous and unlawfull manner beate mayme wound and evill intreat your said subject Alice and teare the clothes from her backe and did then and there alsoe in riotous and unlawfull manner assault your subject Alice with a naked knife putting her thereby in greate feare and terrour of her life and did riotously and unlawfully take from her all the kayes of her trunks Chests and cupbords and the said Alice striving to escape her sonnes fury had then and there one of her hands soe wrenched brused and strayned that shee could not sleepe in three dayes and Three nights for the anguish and paine thereof nor would the said George

Miller suffer any Surgeon to be sent for or any frend to come at her to helpe her in this extremity although shee earnestly besought him for the safeguard of her life with teares but he most scornefully derided her, and shutt her upp in the said house and the said riotous persons did then and there riotously and unlawfully dispossess your said subject Thomas Morton of his brass, pewter linnen wollen bedding and all manner of household stuff to the valew of three hundred pounds at the least and of his said mothers wearinge apparrell and did then and there alsoe in like riotous and unlawfull manner dispossesse your said subject Thomas Morton of his hay then beinge in the barnes adjoyning to the said house to the valew of Thirty pounds and did likewise in such riotous and unlawful manner then and there dispossess your said subject Thomas Morton of his Carte and horses, plow and plow geare then beinge in and about the saide house to the end your subjects should not be able to till the said ground and have riotously and unlawfully wasted and consumed your subjects wheate and other corne to the valew of Three score pounds and in most riotous manner consumed all the foode ready provided by your subjects for the Cristmas expence of housekeepinge together with such fuell as was in a readynes about the said house, makinge great fires therewith continually both night and day not sufferinge your subject Alice to have anie for the releife of her and her children that were shutt upp like prisoners ready to be starved with could soe that she was Infoced to take in wood at the window at the hands of strangers such as had some compassion on her and releeved her for gods sake soe that on Christmas day last your said subject Alice had nothinge whereon to feede herselfe and her small Children but a pore browne loafe, and a cheese that a pore woman had made shift for. And in this disorderly unlawfull manner the said Riotous persons continued consuminge of your subjects houshold provision by the space of Tenn dayes and kept your said subject from his said wife voweinge that he should not com unto his said wife unless he would yeeld to such condiccons as they would propose. And the said Riotous persons haveinge by the unlawfull abettment and procurement of the said Richard Tylney as aforesaid unlawfully possessed themselves of your said subjects house and goods and contynueinge such there unlawful possession in parte of the said house by colour of the said fraudulent lease obteyned as aforesaid have from time to time sithence theire said riotous and unlawfull entry done and committed diverse and sundry savage brutish and inhuman misdemeanours against your said subjects in shewinge theire privities and secretts of nature and usinge other like lascivious and lewd behaviour in the presence of your said

subjects, and other your Majesties leige people resortinge unto them and have alsoe from tyme to tyme afflicted your said subjects with such scurrulous obscene and lascivious speeches and termes tendinge to ribaldry and uncleanes that the same are not onely offencive to your said subjects but allso to all the well disposed persons inhabitinge thereabouts. And the said George Miller not soe contented but beinge voyd of all respect had to the duty which he ought to beare unto your said subject Alice his naturall mother, most wickedly unlawfully and barbarously about the begininge of the moneth of February last past did make an affray and assault his said mother then beinge in her said dwellinge house and did then and there give unto her divers blowes strypes and bruses upon diverse partes of her body soe as shee beinge then with Child did shortly after by reason of the said blowes, strypes and bruses miscarry thereof to the greate and apparent danger of her life and yet not soe contented he the said George Miller hath at divers and sundry other tymes since the said riotous and unlawfull entry out of the ranker and malice of his wicked hart and unnaturall hatred and contempt of your said subject Alice his mother publish that he had rather your Majestie should have of him Three thousand pounds for a fine then that his mother should ever have anie of the goodes againe and that he would burne them all before her face rather then she should be a penny the better for them. And your sayd subject Thomas Morton havinge afterwards by lawfull meanes gayned the full possession of the said house and lands agayne, your sayd subject Thomas Morton did cause the sayd George Miller and his wife and the said Richard Alexander uppon the second of May last to be arrested att Swallowfield aforesayd by vertue of a lawfull warrant from the then Sheriffe of the sayd Countie of Wiltes under the seale of his office att the suite of your sayd subject Thomas Morton, having as hee Conceeved lawfull Cause of accon against them. And the said George Miller and his wife and Richard Alexander being then and there lawfull arrested, They the said Ryotous persons by the abettment of the said Richard Tylney, being Ryotouslie and unlawfully assembled, about the house, uppon the sayd second day of Maye, did Ryotously and unlawfully in like unlawfull manner with force and Armes rescue the sayd George Miller and his wife and the said Richard Alexander, And then and there, Ryotously and unlawfully with like unlawfull weapons, did breake and enter into the sayd dwelling house, Your sayd subjects being then and there lawfully in the same house, And did then and there Ryotouslie and unlawfully assault your sayd Subjects with naked knyves and other vnlawfull weapons aswell as invasive as defensive, and did then and there

beate and wound your sayd Subjects putting them in greate feare and danger of theire Lives, and did teare the Clothes from your said subject Thomas Mortons back and the hayre from his head. In tender Consideracon whereof and foreasmuch as all and singular the said plottes practizes making and Conceiving of the said fraudulent Lease, deceipte, Ryotte, Routs, forceable entryes, Ryotous assaults, taking of goods, lascivious and obscene speeches, unnatural assault, and all and singular the offences and misdemeanours aforesayd, are against the Lawes and Statuts of this your hignes Realme of England and have been done to the great losse and damage of your subject Thomas Morton, And that the same have all beene Committed and done since your Majesties last gennerall and free pardon and doe deserve very severe and Exemplary punishment And the punishment of the same may be the meanes to restrayne all other unnaturall chilldren and ill disposed persons from Committing the like offences.

May it please your most Excellent Majestie the premisses Considered to graunt unto your loyall Subjects your Majesties most gracious writt of Subpena to bee directed unto the sayd George Miller; John Cravett, Richard Tylney, Richard Budde, William Crowe, Richard Alexander and Avis Davies als Luce, and to the sayd other unknowne persons when they shalbe discovered, thereby Commaunding them and every of them, att a certayne daye and under a certayne payne therein to bee lymitted personally to bee and appeare before your Majestie and the right hoble the lords and others of your highness most hoble Counsell in your Majesties most hoble high Court of Starchamber then and there to answere unto the premisses. And further to stand to and abide all such further order and direccons herein as to your Majesty and your sayd Counsell shallbe thought meete and Convenient and most agreeable to Justice, And your said Subjects according to theire bounden duty shall dayly pray for the preservacon of your Majestie with a happy and prosperous Raigne long to Contynue and Rule over us.

HIGGONS

[Endorsed:] Morton et als vs Miller et als "Sabti sexto die Julij vicesimo Ja: Rx Harker"

The answer of George Miller and his co-defendants was short and consisted of the usual general denial of "all and singular the manifest falsetyes faults and Imperfeccons in the said Bill of Complt" and in addition he called. "the said Complt Thomas Mooreton with being "a person of noe worth or Creditt, and have-

inge Cunningly Innvegled this defendants mother to entermarry with him." The purpose of this marriage he alleged was to secure possession to himself of the "whole estate which the said Alice this defendants mother had uppon goods and valluable Considerations before her intermarriadge." He also charged that Morton had "unnaturally drawne his mother to be a Complaynant" against him, and her children to prefer "this longe and Clamorous bill against him and others his frends, seekinge thereby to force this Defendant to some Composition with him uppon the former Bill." It closes with the usual prayer that the bill be dismissed with costs to the complainants.

HUDSON

[Endorsed:] "Jur Martis nono die Julij Ao 20 Ja: Rx"

CHANCERY DECREES AND ORDERS

Miller *v.* Moreton.

George Miller, plt. *v.* Thomas Moreton and his wife, defts. 22 February 1621(–22) the plaintiff is adjudged to paie the defendt. 30s costs for want of a bill. Hilary, 19 Jas. I (Vol. 142, B Book, 1621, f. 476d.)

Thomas Moreton and wife, plts. *v.* George Myller, deft 22 May 1622. Thomas Moreton made oath for serving a subpoena on deft. for payment of costs who hath not paid the same. Adjourned to month from Easterday. Easter, Jas. I. (*Ib.*, f. 667.)

Forasmuch as this Court was this daie informed by Mr. Atkins of the ptf Councell that by an order of the xxiiij the of October last yt was ordered that if the defendt should not on that day sevenight shew this Court good Cause to the Contrary then the certif. made by the Commissioners should be decreed on which daie the defendts Councell comeing to there Cause but by that time would not then serve nor the ptf Councell was not present. It was on the last of that moneth ordered that the decreeing of the Certificate should be laid untill this Court should have given further order upon hearing of Councell on both sides, and that day sevenight was then appointed for that purpose at which day the pt Councell attended and alsoe ever since but the defendants Councell hath not shewed any cause nor as it was now alledged by the said Mr. Atkins can any good cause be shewed against the

said Certiff being made by order of this Court: for that the Commissioners being men of good worth and integrity have taken much paines and spent much tyme and heard the allegacons of the parties and thereupon made a finall end of all the differences between them to their good contentment as they then seemed, but the defendt being of a turbulent (nature) endeavoured to frustrate all theire labours and hinder the performance of theire award which tendeth altogether for the good of the said Alice his wief and mother of the pt, and also to the good of the children of the said Alice being many in number for that the porcons of vj of the said Children given them by their fathers will is now by their award to be paid unto them by the pt theire brother which otherwise if the estate of their father should remayn in the defendts possession they were in great daunger to lose for that one of them hath been enforced in a long suit for the same and yet cannot have it paid her.

Decree to be final in 7 days if the defendant does not appeare and shew cause to the contrary. Michaelmas, 20 Jas. I. (Vol. 144, B Book, 1622, f. 412.)

George Miller, plt. *v.* Thomas Moreton and Alice his wife defendants. 13 February 1622(–23). A final determination to be made by Mr. Justice Chamberlen, the differences being very unnatural, as between mother and son and the treaty of peace already made is come to be disregarded. Hilary, 20 Jas. I. (*Ib.*, f. 638.)

George Miller and Thomas Miller, plts. *v.* Thomas Moreton and Alice his wife, defts. 1 February 1622(–23). Adjourned to Saturday next. Peremptory order to the defendant to show cause why decree should not be made final. Hilary, 20 Jas. I. (*Ib.*, f. 660d.)

8 June. Forasmuch as the Court was the present daie informed by Mr. Sergeant Hoskins being A Counsell to the deft. that there being a suit between the plt. A sonne and Heire And the deft. Thomas Moreton A father in lawe and the other deft. Alice being naturall mother to the plt. concerninge the settling of the estate of the plt's father which beinge first by theire learned Councell and arbitrators averred and afterwards by reference and power from the Court given to Mr. Justice Chamberlain finallie to determine and upon full and longe hearinge of bothe parties and their Counsell reported and decreed that the plt. shulde enjoye a farme called Wivalls and pay the deft. during the life of the saide Alice

50li perannum and that Robert Miller shulde enjoye the Sun in Croydon and paye them 4li perannum and that the deft. shulde enjoye a farme called Sandforde and paie the plt. 46li perannum and for that it appeared that the defendt. Thomas Moreton had nothing in the premisses but in right of his wief and It was feared at the first that hee would fly and leave his wief and therefore was bond that if he should live asunder hee should suffer her to enjoy her own estate and that now yt appeareth by affidavit that he hath sould all her goode even to her wearing apparell and is fledd and cannot be heard of since February and that unless she may enjoy the living and rents decreed unto her shee is lyke to perish for want of maintenance and least anie other to whome hee might covetously assigne the benefit of the said decree should defeat her It was praied that shee might enjoy what was decreed unto her and her husband for her maintenance paieing what was decreed they should paie and that uppon prooffes of her receipts and payments from tyme to tyme shee and the other parties should bee discharged by order of this Court which Mr. Atkins being of Councell wth the other side could not deny to bee agreeable to Conscience and reason. It is therefore ordered that the said defendant Alice shall receive the said 50li a year and the said 4li a yeare and shall enjoy the said Farme called Stanford and paie the said 46li a yeare and that the paiements made to and by her shalbee sufficient paiements during the absence of her husband untill this Court shall order to the Contrary. Trinity, 21 Jas. I. (*Ib.*, f. 1218d.)

George Miller, pltf. *v.* Thomas Moreton and Alice, his wife, defts. 6 November 1623.
Some mistakes being in the award, Mr. Chamberlain is desired to review the same. Michaelmas, 21 Jas. I. (Vol. 146, B Book, 1624, f. 150.)

George Miller, pltf. *v.* Thomas Moreton and Alice his wife, defts. 19 November 1623. The award having been made, Thos. Moreton, declyninge all obedience, has endeavoured to evade performance of same to the prejudice of plaintiff, endeavouring to find out holes whereby to elude performance of these things, who is willing to abide by the award, therefore referred to Mr. Justice Chamberlain to take better order for the performance of the said award. Michaelmas, 21 James I. (*Ib.*, f. 263d.)

Blagrave *vs* Miller, 1636.[17]

27 May 1636. Richard Blagrave of London, haberdasher and Daniel Blagrave of Reading Berks, gent.

That George Miller of Swallowfield, Berks, gent, was in his lifetime possessed of estate and by his will. (4 March 13 James) devised to Margaret Miller his daughter and now wife of your orator, Richard Blagrave, £300 to be paid when she came of age; and shortly after died; Alice Miller his wife and George Miller Exec; said Alice Miller died before said portion became due; by reason of which said George Miller ought to pay the £300 due to your orator; and whereas your orator about six years sithence became bound in a bond to Susan Miller of Swallowfield spinster, your orator's wive's sister, said Susan Miller made her will and made said George Miller her brother, executor, and died. Therefore said debt is due; and said Susan Miller bequeathed £30 to your orator, her brother-in-law.

Answer of George Miller gent: mentions his father George Miller. Nicholas Standberger then (6 Sept 2 of his Majesty's reign) in treaty of marriage with said Margaret; before he could marry, dyed, said money having been paid; said Margaret contracted marriage with complainant. Said Susan Miller made a nuncupative will (August, 1634) and shortly after died, etc., etc.

Chancery Decrees and Orders

Richard Blagrave and Daniel Blagrave, plts. *v.* George Miller, deft. 30 May 1636.

The plaintiffs have exhibited their bill into this court to be relieved against a bond of £200 entered into by plaintiffs to Susanna Miller, whose executor defendant is, conditioned for payment of £100, which they allege is truly satisfied unto defendant, who having put the said bond in suit at law against the plaintiffs and being served with process refuses to answer in contempt of court, and in the mean time prosecutes his suit at common law. An injunction is to be awarded against the said defendant to stay the proceedings of him, his Council and solicitor at common law. East., 12 Chas. I. (Vol. 169, A Book, 1635, f. 532d.)

13 February 1636(–37). The Court is informed deft. has on 4th of this month put in an answer to Complt's bill, setting forth that

[17] Chancery Proc. Mitford, 77/40. Snell MSS. (London Gen. Soc.), XXII. 218.

the money due is a just debt, the plaintiffs therefore shall bring in said money or show good cause for not doing so. Hilary, 12 Chas. I. (Vol. 171, A Book, 1636, f. 117.)

28 April, 1637. Show that plts.' bill being to be relieved of a bond of £200 to Susan Miller, deceased, defendant's sister, the defendant confesses the bond was entered into about 6 years ago as also receipt of linen cloth delivered to him by plts., & offers to restore any interest paid by them to Susan Miller in her life-time; confesses there is due to said Richard Blagrave £10, part of £30, legacy given him by said Susan & it being demanded the former Injunction shall hold good. Sir John Michell, Knt., is ordered, as Master of this Court, to take consideration of same. Easter, 13 Chas. I. (*Ib.*, f. 238d.)

18 Oct. 1637. Daniel Blagrave *v.* Geo. Miller. The plt. is adjudged to the deft. 46s. 8d. costs for want of a replication & the matter of the plaintiffs bill is from henceforth clearly & absolutely dismissed of the court. Michaelmas, 13 Chas. I. (Vol. 173, A Book, 1637, f. 25.)

Richard Blagrave *v.* Geo. Miller. 25 October 1637. The defendant having unduly obtained a dismission of the cause, the cause to be retained & enquired into by the 6 clerks. *Ib.* (*Ib.*, f. 46.)

28 November, 1637. Several reasons offered for dissolving the injunction but plts' Counsell alleging the same to be granted on deft's answer, it was not thought fit to dissolve it, but plts. ordered to bring the cause to a hearing. *Ib.* (*Ib.*, f. 185.)

9 February, 1637[–38]. Day given deft. to produce witnesses. Hilary, 13 Chas. I. (*Ib.*, f. 463.)

4 June, 1638. If plts. shew no cause for stay of publication in 15 days, then publication is granted. Trinity, 14 Chas. I. (*Ib.*, f. 729.)

16 Feb. 1638[–39]. Unless plaintiffs bring cause to a hearing in Trinity Term, the Injunction shall be dissolved. Hilary, 14 Chas. I. (Vol. 175, A Book, 1638, f. 345.)

16 July, 1639. The plaintiffs having the cause set down for hearing, the Injunction to remain in force. Trinity, 15 Chas. I. (*Ib.*, f. 842.)

29 November, 1639. Debating the matter between the parties, the substance of the suit seems to be, that George Miller, deceased, did by his last will devise to his daughter, Margaret, now wife of the plt. Richard Blagrave, £300, to be paid at her age of 21, and deft. is surviving executor; about 6 years ago, the plaintiffs became bound to Susan Miller, the " deftes wives sister " in a bond of £200 for payment of £104 at end of 6 months and Susan made deft. her executor and died and plt. by his bill seeks to have allowance of a legacy pretended to have been given him by the said Susan, as also for divers wares delivered to deft's sisters and for maintenance of them and the deft's brother by way of education out of the money due upon the said bond. The Court, hearing plt's demands, saw no cause to charge deft. with any of the said demands, except £10. which deft. promised plt. for mourning after Susan's death, until whose death all the interest on the said £100 was paid. Therefore it is decreed plt. shall pay deft. £90 residue and damages at the rate of 6 per cent from the death of said Susan and deft's costs at law, and on payment of same, the deft. to deliver up to plt. the said bond. Michaelmas, 15 Chas. I. (Vol. 177, A Book, f. 178.)

18 February, 1639[–40]. Although plt. has offered to pay £90 with interest as ordered and £4 costs, deft refuses to accept of same. Therefore the costs to be taxed. Hilary, 15 Chas. I. (*Ib.*, f. 365.)

5 May 1640. plt. appeared personally upon an attachment for saving of his bond given to the Sheriff of London in that behalf. Easter, 16 Chas. I. (*Ib.*, f. 502.)

[No further mention of this suit in period searched to end of Michaelmas, 17 Chas. I. (1641).]

29 June 1664. Abigail Miller, widow and others *v.* George Miller, gent. Upon opening the matter this day unto this court it was alleged that the plts.' bill is to examine witnesses for preservation of the lands mentioned in the bill and that the plaintiffs bill was filed in Trinity Term 1663 and the deft. appeared the same term but has not yet answered the bill but sits in contempt of court to an attachment returned as by a certificate from the Clerk; the plts.' witnesses being very aged, living remote from London, if they should die before they are examined, the plts. would be much prejudiced, it is therefore prayed a Commission might be awarded for examination of the plts.' witnesses in the

country this vacation, which is ordered accordingly. Trinity, 16 Chas. II. (Vol. 222, B. Book, 1663, f. 785.)

[Searched to end of Trinity, 18 Chas. II (1666) without finding any further mention of suit.]

[6 July 1663.] [18] Abigail Miller. wd. of Leonard Miller. late of Shinfield et als *vs.* George Miller, of Swallowfield, Exr will of his father.

Complainant recites provisions of will of George Miller late of Swallowfield, Wilts, deceased, by which certain bequests were made if his wife Alice then "greate with child" was delivered of a male son or sons or a female child or children; that she was delivered of a male child called Leonard who was husband of Abigail, the complainant.

Sues for execution of provisions of will of George Miller Sen. Leonard Miller made his will 20 July, 1661.

George Miller in his answer sets up a defence that neither his father nor his brother were capable mentally of making wills; claims that his mother sent him to Oxford "for physick" for his father, then on his death bed who was very much disturbed by such action on her part; claims that Leonard told him his will had been made, but that it did not suit him and that he was to bring it to him (George) to arrange differently, but he died before he could carry out this expressed wish.

STAR CHAMBER PROCEEDINGS, James I. [239/17.]

[17 James I, 1620.] John Phipps of Swallowfield *vs.* George Miller et als.

Assault and riot in the church at Swallowfield.

States that a certain pew in the parish church had been allocated to his family as it was occupied by his grandfather and father as belonging to their manor; that one George Miller late deceased made request of him that his family might sit in said pew and permission was conditionally granted that the privilege was revocable whenever the requirements of the Phipps family made it necessary. The privilege was revoked for that reason and defendant Alice Miller and her son George Miller were notified.

Miller came into church during service and the pew door being locked he proceeded with horrible oaths to break it open; where-

[18] Chancery Proc., Hamilton, 461/73.

upon Mrs Phipps in telling him to desist called him "boy." In his rage Miller replied "Dost thou call me boy? Gods wounds! If I were in bed with thee thou should knowe that I were no boye." He then leaped over the door and tumbled on the heads and necks of the "gentlewomen" seated with the Phipps family, finally landing in the lap of Mrs Phipps where he sat despite her protests. Then he picked her up bodily and threw her over the railing into the aisle, in sight of a justice of the peace who offered no help and only laughed at the proceedings.

Ephraim Warren to Henry Warren[1]

Boston, August the 14th. 1677.

Dear Father and Mother!

I can now give you a farther Account concerning this *Country;* for I have Travelled *Three* or *Four Hundred* Miles an End, the best Part of it by Land. I have been in *New-Jersey,* and like that Place very well; and I am sure, it is the Fruitfullest Place in these Parts, and the Pleasantest to dwell in: For there is all sorts of Provision as plentiful as it is in *England;* There wants nothing but good Honest People to Inhabit it. The Ship that was bound for *New-Jersey,* arrived about the *Second* or *Third* Day of this Month; I was in *New-Jersey,* when She came in; I was the First, that saw Her: So the next Day, I went Aboard of Her; and the People told me, They were *Eight* Weeks at Sea; and the first Land they made, was *Cape-Codd* in *New-England,* which was an *Hundred Leagues* out of their way: And they were at a great Loss for want of a *Pilot* to carry them along the Shore; but while they were at *Sea,* they wanted for nothing. Now I have seen most of these Parts hereabout; and, to my thinking, *New-Jersey* exceeds them All for good Land, good Timber, good Meadow, and other good Conveniences that are *Here:* For *One* Acre in this Place, is worth half a dozen in other Places that lye *Hereabouts;* and I could be very glad, that You and Your Family were safe arrived *Here.* But I hope, I shall see you all in *London* within these *Three* Months; and then I shall give you a better Account concerning our Affairs. So having no more at present to trouble you with, I rest, and remain *Your Dutiful Son,*

Ephraim Warren.

These for Mr. Henry Warren, *in* Fenchurch-Street, *this deliver with Care, I pray.*

[1] From *An Abstract, or Abbreviation of some Few of the Many (Later and Former) Testimonys from the Inhabitants of New-Jersey, London,* 1681.

DAVID SEWALL TO GEORGE THATCHER [2]

YORK, 2nd Novemr., 1785.

DEAR SIR, — I wrote Mr. Bowman some time since respecting the Number of Actions, etc., in Pownall[boro] Court for 1783 and 1784, but have had no answer. If my memory serves me I mentioned it to you sometime in this Summer past, and you gave a kind of a Promise to procure it. Had I the County of *Lincoln, Barnstable* and *Nantucket* I should then have the whole thro' the Government. If you have procured the Account from Mr. Bowman please to transmit it. Tell Mrs. Thatcher I saw her Papa last Week at Cambridge and he made enquiries after the Saco Family. Your letter to Mr. Gill I delivered his Nephew Moses, as he was not at Boston. I conclude he had it. Let me know if you have taken out Execution of mine against Lord of Sanford. I think you said there was a Judgment.

I find by the Governor's Speech to the general Court at the Opening the Sessions on the Adjournment in October last, That a Number of Persons have met at Falmouth to consult on Measures for dismembering the Commonwealth, by Erecting the three Eastermost Counties into a Seperate State. This matter, if pushed, will be attended with Serious Consequences, and such as have the least hand in it will finally have no Occasion of uneasiness on that account, or I am much out in my Conjecture. I am just returned home, but can find nobody in the Westermost part of the County of York that have moved in the Business, or desire to be dismembered as yet. One Revolution in an Age is quite Sufficient, and it does not appear to me that the People of the 3 Counties, if they were unanimous in their Opinion on the Subject, could have the Approbation of the General Court or of Congress itself, would in their present Infantile State be meliorated by the measure. They certainly would not have the dishonesty to Imagine they should be discharged of their proportion of the State Debt, which if they are a Tenth, as some Writers in the *Falmouth Gazette* suggest, (tho' I suppose it is overrating them), would amount to £146,854.8.9 the annual Interest of which is £8,810.5.3, or to deprive Massachusetts of their 9/10 of the unappropriated Lands. I find by a Printed Letter sent to our Select Men *Jer. Hill's* Name in Print is annexed to it. Whether he has moved his Residence from Biddeford or not I cannot say. He and Henry Y. Brown are all the Persons (if Brown be one) from this County. I have many

[2] From the Washburn Autographs, 010.7, f. 14.

things to say on this Subject did Time permit. I am grieved for the desolation you have met with at Saco and in the Eastern Country. I expect to hear of great Destruction on Connecticut River. Great an Marvelous are the ways of Providence, and also misterious. Another State will be necessary to develop and understand them. Your Friend and Servant,

DAVID SEWALL.

CHARLES SUMNER TO ANDREWS NORTON.

MY DEAR SIR, — I have read your letter with gratitude for its frankness, and the sincere friendship which it testifies. I trust I shall be able to profit by its kind suggestions and admonitions.

I think, however, that my position and opinions are not correctly understood. I am not giving myself to politics, as you suppose. I shun the trade. I have never sought or desired office of any kind. I do not now. For a few weeks I have co-operated with several others, whose object is to keep the Whig party true to their *professions* on former occasions, and to the *resolutions* of the Legislature of Massachusetts, passed by the unanimous vote of the party.

I have no political life now; nor do I look forward to any hereafter. So far as I know myself, I have no political ambition. Indeed, I have endeavoured always — I know how inadequately I have succeeded — to recognize duty, and the opportunity of doing good, as my only incentive to exertion. I have felt this incentive very strongly in the occasion which has been lately presented of influencing the Whigs, with whom I have always silently acted, to adopt what seems to me a truer, higher and more moral course, than has governed, as it seems to me, some of the leaders of the party.

You allude to my course as "offending many individuals." I do not know whether this is so. I have never spoken with unkindness of any body although I might have differed from him in opinion; nor have I ever *attributed* motives to any body. I cheerfully concede to all from whom I differ the credit of acting under convictions, as conscientious as my own. I have never sought any occasion to express my opinions; but when I have spoken, have uttered frankly, sincerely and truthfully what I thought. If in doing so, I have given offence, I am deeply sorry for it. I value the regard and kindly feelings of all about me much, but I value more my loyalty to the honest dictates of my conscience.

You allude to me as "connected publicly and explicitly with a party the Abolitionists etc." I am in favor of the Abolition of Slavery, as was Franklin and Channing, and think it the duty of all persons within the sphere of their influence, to co-operate for its Abolition. But I do not belong to what is called the *party of Abolitionists*. I differ from them in the primary article of their faith. In their newspapers during the last week I have been the object of remarks, expressive of dissent, while, on former occasions, I have in the most formal way declined all connexion with them.

I seek nothing to which the Legislature of Massachusetts is not already pledged.

You allude to the Meeting at Faneuil Hall, at which Mr. Parker spoke. I attended that meeting; but with the express understanding that I was not expected to speak. The audience compelled me to say something, and I said what occurred to me at the moment.

I hope in making this communication I shall not seem insensible to your kindness, or disposed to controversy. I am desirous of being judged by my own acts and opinions, and not by those of others; and I cannot but think that I have been held responsible for acts and opinions which are not mine; this is most certainly the case, if I am held responsible for the doings and sayings of the *party called* the *Abolitionists*.

You allude to my opinions as influenced by the feelings of those who look on slavery at a distance, rather than by a consideration of what is practicable. Such opinions as I have were formed and often expressed as long ago as 1834; nor do they seem to me impracticable. I think Slavery a sin, individual and national; and think it the duty of each individual to cease committing it, and, of course of each State, to do likewise. Massachusetts is a party to slave-holding, and is responsible for it, so long as it continues under the sanction of the Constitution of the U. S. I would leave it to the *local* laws of each State. If the South persists in holding slaves let it not expect Massachusetts to aid or abet in the wrong. I cannot be a slave-holder; nor can I help upholding slave-holding. Thanking you again, for your kindness, believe me, My dear Sir, Sincerely and gratefully yours,

CHARLES SUMNER.[3]

[3] This letter was written in reply to Mr. Norton's of September 29, 1846, in Pierce, *Charles Sumner*, III. 133.

Salmon P. Chase to Samuel H. Walley[4]

Washington, Dec. 23, 1868.

My dear Sir, — I do not know that I can better respond to your request for "hints" than by sending you a copy of a letter to Greeley in reply to one from him by the same mail which brought yours. You will observe that the letter is marked *private*. I don't propose to go into the public discussion. Everybody is too wise "by instinct." If I had time though I might be tempted to let the people see my views in a decent dress, not in the dressing-gown habits of a hasty note.

By the way, do you know that you are partly responsible for legal tender? Do you remember the conference at the Department, when you represented the Boston Banks and other gentlemen represented New York and Phila[delphia], and I urged the receipt and payment by the Banks of the United States notes, and we did come to a sort of understanding? Up to that time I had opposed legal tender. When our conference ended and you had returned to Boston you telegraphed me that the Boston Banks would not ratify. Immediately on receiving your telegram I wrote a note to the Chairman of the Com[mittee] of Ways and Means giving in my adhesion to the legal tender law. If the Banks had agreed to receive and pay out U. S. Notes I doubt much whether any legal tender provision would ever have been engrafted on the statute.

Not that I count my say for much; but the necessity which I recognized at once on the receipt of your telegram would not have been created.

I know nothing more interesting than this to you which I can write. Sincerely your friend

S. P. Chase.

[4] From the Washburn Autographs, 010.7, f. 9. Samuel Hurd Walley (1805–1877) had been in Congress and was a banker.

MEMOIR

OF

EDWARD GRAY

BY JOSEPH GRAFTON MINOT

Edward Gray was born in Boston on March 14, 1877, and died in Milton, Mass., on October 14, 1923. He was the son of Edward Gray and Elisabeth Story Gray. From both his father's and mother's families he came from old New England stock, being descended from William Gray, the famous merchant of Salem, and Joseph Story, Justice of the Supreme Court of the United States, whose legal learning and decisions are of extended repute. Edward Gray was prepared for college at Groton School, entering Harvard with the Class of 1900. During his college career he was prominent in athletics and very popular among his associates. Although a good student his intellectual ambitions were not fully aroused until later. On his graduation from the university he had a brief business connection at Auburn, New York, and returning to Boston in the autumn of 1901, he became associated with a bond house remaining until the autumn of 1904 when he was obliged, owing to illness, to retire from business. Hoping to improve his health he then went to Saranac, New York, for treatment and there met Miss Effie Grindlay of Utica, New York, where they were married October 7, 1909. The following year was passed by Mr. and Mrs. Gray in Europe. They returned to Groton, Massachusetts, remaining there until 1915 when they moved to Milton. Without professional or business occupation, and unable to take part in many of the activities of his friends, he was encouraged by his cousin, the late John Chipman Gray, who well appreciated

MHS

Yours very truly
Edward Gray

INSTITUTE OF HISTORICAL RESEARCH

Edward Gray's excellent qualities, to prepare a biography of their common ancestor, William Gray, Merchant of Salem. The work was completed under considerable difficulties, as nearly all the material regarding the subject had been destroyed in the Boston Fire of 1872. Made up from many fragments the book was published in 1914 and is considered a valuable addition to the maritime history of Massachusetts. In connection with this essay in biography he became interested in the genealogy of the Gray family and in 1916 published through the Essex Institute the elaborate and detailed results as *William Gray of Lynn and Some of his Descendants*. If proof was wanted of his persistence in search and care in compilation, this first venture into a field peculiarly open to pitfalls would be sufficient. In form and in substance it could not be improved. Hardly had he seen the final proofs of the genealogy when he found a task even better suited to his taste. There had come down in the Story-Paige family the manuscript of a journal kept in 1839 by Harriette Story Paige (Mrs. James William Paige), a niece of Justice Joseph Story, who accompanied Daniel Webster and family to England in that year. Her younger sister Julia married Fletcher, son of Daniel Webster. Although the visit was in no official capacity the opportunities opened to the party to meet the best that London could then give, and that was much, gave the diarist a field for record and comment both readable and of personal interest, lending itself to the form of quiet annotation that Mr. Gray enjoyed, and offering an education on English men and places so useful in developing editorial ability. The volume appeared in 1917 in an unusual but fitting form and in a limited edition. A few years after that journal was issued Gray edited for the Connecticut Historical Society a body of Huntington letters, raw but good material of history, and this work was also highly approved. He was evidently finding himself and gave evidence of future usefulness in that thankless task of preparing material for the use of the historian. For this his qualities were admirably adapted.

He was elected a member of the Massachusetts Historical Society in 1920. This he considered one of the great privileges of his life, and as long as his health permitted he was

an interested and constant attendant at its meetings. His contributions to the Society were few but they gave evidence of diligent research and careful preparation.

Edward Gray toward the closing years of his life passed his summers at North Haven, Maine, and there the love of the sea, possibly an inheritance from his notable forbear, became a great recreation and joy to him. In all weathers he might be seen sailing in his little craft. His enthusiasm was so great that he mastered every detail of boat-sailing. Gray had a charm of manner that made him popular not only at school and college but with all who came in touch with him in after life. He was always cheerful and his courage through the many vicissitudes of failing health wonderful and inspiring. No one ever heard him repine or utter a complaint, and this was so to the very end of a long hard year of illness.

He left Mrs. Gray and two children: William, born January 10, 1914; and Mary, born February 25, 1920.

JANUARY MEETING, 1925.

THE stated meeting of the Society was held on Thursday, the eighth instant, at three o'clock P.M., the President, Mr. LORD, in the chair.

The record of the December meeting was read and approved.

The Librarian reported gifts from James M. Hunnewell, Mrs. Hannah Quincy Fletcher, and the Peabody Institute, Baltimore.

The Cabinet-Keeper reported gifts from Winthrop Wetherbee and Louis Felix Ranlett, the latter giving the panel of rusticated students of Harvard described in *Proceedings*, L. 2.

The Corresponding Secretary reported that a letter had been received from Edwin Francis Gay accepting Resident Membership in the Society.

John Whittemore Farwell of Cohasset was elected a Resident Member of the Society.

Mr. FORBES exhibited and described: (1) A map of the Philippine Islands, in gold, silver, and jewels, presented to him by the citizens upon his retirement from the Governor Generalship in 1913. Intended to show the public works inaugurated during his administration, railroads were represented in rubies, road in sapphires, lighthouses in emeralds, and cities and large towns in diamonds. (2) A dagger with silver hilt, the first implement made by the revolutionary government in 1896, and given by General Aguinaldo. (3) Two maps of the seat of war in France in 1918, given by General Pershing.

Mr. MURDOCK read a paper on

THE REMARKABLE STORY OF THE REV. JOHN MARTIN.

Among the New England patriots of 1775, none was more staunch and conscientious in his convictions than the Reverend Ezra Stiles and among his busiest days as revealed in

his diary must be classed those immediately following Bunker Hill, when in his Newport parsonage he was striving vainly to reconcile the conflicting reports that reached him of the action. He was the victim of prejudice but he strove to be broadminded in his search for truth, and would confer with young Mr. Vassall of undoubted Tory proclivities as he would with a parishioner who came to him fresh from a perusal of General Greene's latest letter from the front. If he mourned over the loss of the Charlestown peninsula, he found comfort in mathematics. What engrossed him was the question of the numbers engaged and particularly the losses inflicted upon the enemies of his country. He fell into confusion worse confounded and for months his diary is filled with labored statistical computations. He believed that Gage's official report of casualties was issued to deceive. At one time he satisfies himself that the British return of killed and wounded, i.e. 1054, contained the dead alone, and proceeds joyously to compute the probable number of the wounded based upon this figure of the slain. He convinces himself that the British casualties aggregated four thousand men, then on more mature reflection reduces his estimate to three thousand. He finds the Provincial losses to have been only 355. "Thus," he says, "this Victory was so ordered by providence to prove a Tenfold Loss to the King's Troops."

Then doubts oppress him. He becomes "apprehensive" that perhaps after all Gage's return may have included both dead and wounded. He sees "such incessant, insidious Stratagems and Delusions practised by the Army, Navy and Tories," that he is oppressed by bewilderment and inspired with righteous indignation.

In the midst of his statistical activities Stiles was contributing much to our knowledge of the battle by including in his diary certain conversations and letters bearing upon the subject, notably that valuable relic of Private Peter Brown. We have also to thank him for the most entertaining of all records of the battle, the narrative of that forceful Irish clergyman, the Reverend John Martin.

It should be noted here that this story of Martin's has long been cited as an authority on Bunker Hill and I think always with respect. Copies of his narrative were transcribed from

the Stiles manuscript about the middle of the nineteenth century and were called to the attention of Mr. Frothingham when he was writing his *History of the Siege of Boston,* by President Sparks and Mr. Bancroft. Dawson published the tale in 1868 as an appendix to his *Historical Magazine* article of that year. Stiles' *Diary* was first published entire in 1901. The surprising thing is that neither Stiles himself, nor any subsequent writer conversant with Martin's utterances seems to have suspected that he was dealing with something unique in the way of an historical document, that here was, in fact, a remarkable story, deserving of special analysis and treatment. I propose to give a rapid paraphrase of Stiles on Martin with such running comments as the material suggests.

It was on June 30 that Martin knocked at the parsonage door in Newport. Mr. Martin, says Stiles, was in the whole affair of Bunker Hill as Chaplain [1] from the first occupation of Breed's Hill to the end of the battle. The toil and adventures of the night and the opening of the British bombardment in the morning are briefly described. Then early in the forenoon Colonel Gridley, the engineer, falls ill and leaves the works. Before doing so he looks about for someone competent to assume the "oversight of the finishing the Trenches," and his choice falls upon Chaplain Martin. "Thus," says Stiles, "about 1,000 men were commanded by him while at Labor and commanded by Col. Prescott when on Guard and military Duty." At this early stage of affairs you will note that our Chaplain is already on the high road to prominence.

Matters must have gone well in the trenches; at all events, Mr. Martin found time to go down to Charlestown Ferry and with a spy glass to study the military preparations that were making on the other side of the river. He found about two hundred of the inhabitants, men and women, still lingering in the village but says nothing of the one or two Provincial Regiments which the Committee of Safety informs us were then in possession of that place. He called at a house for a drink of water and at that instant a cannon ball came crashing through the structure. This is, I think, the only

[1] Martin claimed a Chaplain's commission in the Rhode Island Army but his name does not appear in the State records.

information we have that Charlestown was then under fire, but as we shall discover later, wherever Chaplain Martin went, a cannon ball was almost sure to follow. He urged the unwilling inhabitants to leave the place promising " warm Work " ahead. They seemed reluctant to depart, so Martin returned to the hill where he endeavored to persuade Prescott to send for reinforcements, urging that his present force was too small to defend the position. Prescott differed from him, whereupon a quarrel ensued. " About Noon or before " Martin, perhaps in high dudgeon, went down to the village again. He found the people still there and a certain Mr. Cary invited him into his home for rest and refreshment after his long hours of toil and vigil. The invitation was gratefully accepted but no sooner had the weary divine composed himself for a brief nap than another cannon ball came hurtling and splintering through these hospitable premises. So Martin arose and determined to go back on the hill and have it out with Prescott. The inhabitants now abandoned the town in great haste. Possibly they had come to regard the repeated visits of our Chaplain with some misgivings.

Back on the hill Martin found Prescott still obdurate. Then he decided that this was a case for action, that the time for argument had passed. He was not the man to stand by and see that position sacrificed by Colonel Prescott or another. So he ordered off a messenger himself directing him to General Ward's Headquarters in Cambridge. The result was astonishing. " About Noon, a little before or after," Putnam appeared with " a large Reinforcement." It is a curious fact that Stiles despite his recent experience with statistics and computations should have failed to note that he had assigned the same hour for the arrival of Putnam's reinforcement that he had previously named as the time of Martin's departure for his second visit to the village.

At about this stage of the narrative, Stiles, under Martin's direction, drew a sketch of the battlefield which ranks today, I think, as the first American attempt to portray the scene of action. This sketch has distinct value, but Martin's narrative is of the sort that needs no elucidation. A few casualties having occurred perhaps from the cannonade, the Chaplain, as befitted his office, bestirred himself in the care and re-

moval of the stricken. Conscious of still warmer work ahead, he left the lines and made his way through the terrors of the shot-swept causeway and presented himself at Headquarters in Cambridge. He was authorized by Ward to impress or employ what wagons or men he needed for his work of Mercy. On returning he found the battle in full swing. At this time we begin to suspect that the Chaplain holds a distinct predilection for Connecticut. He locates the troops from that province upon ground that has been almost unanimously conceded to the men of New Hampshire. He does not mention Stark or his command and states that when the firing became heavy the Massachusetts men began to disappear, indeed "went off in shoals." Martin's position, as I have intimated, was in the rear of the rail fence close to the Mystic River. If he felt that up to this time he had had a rather quiet and uneventful day, he now found himself in the midst of a terrific combat maintained chiefly by "the Welch fusileers [2] and some Irish Troops on one side — and the Connect. Troops and Irish intermixed on the other. All the Welch were slain but *six* Men. Our Men repulsed them Vigorously and drove them," and the Irish pursued. Then it appears that not only did the Irish pursue but that they could not be stopped, and "the Range of their Fire came to our Lines." This remark is not clear but suggests that in their zeal the victorious Irish were unconsciously peppering their Connecticut friends with whom a few moments before they had been "intermixed." Though Stark and perhaps Pomeroy and Putnam must have been close at hand, it devolved upon our Chaplain to put things to rights. What could he do, a man of peace in the midst of this turmoil, confusion and carnage? He stepped forth and, says Stiles, "called to his Countrymen in Irish to return." The effect was magical, the zealous pursuers heard and obeyed their master's voice and came trooping quietly back to their appointed station.

Having straightened out this difficulty, Martin found himself involved in another. "The Connect. Men," says Stiles, "tho't the unknown Tongue betrayed Treachery," and then

[2] See my article "The Myth of the Royal Welch Fusileers" in Colonial Society Publications.

he dismisses the subject in the laconic words, "but it was soon rectified. They fought on." This passage is both disappointing and baffling. The pacification of the Connecticut men was clearly another triumph for Martin, but as for "fighting on," who was there left to fight unless we are to assume that the six surviving Welch still stood their ground?

I think we may say of Martin that in addition to his partiality for Connecticut, he was deeply imbued with the pride of race. Despite his benevolent intent, he had taken the precaution the night before to gird upon his thigh what he is careful to characterize as an "Irish long sword." It was a fortunate precaution, for about the time the retreat began the British reappeared coming around the end of the fence near the Mystic. They proceeded to damn our Chaplain "for a clerical dog and fired at him and said they would have his Life." But this threat was more easily made than performed. A soldier fired at him point blank and rushed upon him with his bayonet. The threatened clergyman abandoned his merciful duties long enough to whip out his long sword and despatch his adversary by "letting out his Bowels." But the dangers of our hero were not over. Another soldier, after firing, attacked him with "the broad Sword." Stiles says that "Mr. Martin learned the Sword." That of course means nothing, but I assume that he meant to say that the reverend gentleman had learned the sword exercise. At all events, he was soon at it, cut and thrust, steel ringing on steel until the soldier fell "by a stroke on the neck." The victor saved his bowels but lost a coat button in the encounter. There is no suggestion of pride in Martin's story of these achievements. He evidently regarded them as modest contributions to the success of the day, there being a Connecticut man in his vicinity who had "killed above twenty of the Welch fusileers" with his own hand.

Despite the confusion of the retreat, Stiles assures us that Martin "brot off his wounded." In another place he says, "I think he carried off about —— dead," leaving the number blank. Perhaps he could not read the figure in his notes and meant to have obtained them from Martin at their next meeting. Perhaps the numbers were all too legible, recording some astounding total that troubled him in his

consistent effort to minimize the Provincial loss. In the early evening Martin had again safely braved the cross-fire at the Neck and had reached a point on the Cambridge road that might well have been regarded as immune from danger. So far he had come through unscathed save for that coat-button sliced off by the broadsword of his deceased enemy. He was busy with lint and bandages among the wounded when he learned to his sorrow that even in that secluded location he was not safe from his besetting pest. A cannon ball whirling and bounding through the twilight air searched him out in his retirement and "passed close by his breast, but without Toutching." The force was so great that he fell senseless upon the ground. "He vomited or raised much blood," and on recovering consciousness he consented to resign himself to the care of friendly hands and to call it a day's work.

Six days later, on Friday June 30, he was talking with Stiles in the parsonage at Newport and we learn from outside sources that on the evening of that day he was able to preach from the text, Nehemiah, iv, 14: "Be not ye afraid of them: remember the Lord which is great and terrible, and fight for your brethren, your sons and your daughters, your wives and your houses."

The testimony of a participant in the battle given in this private and informal way within two weeks of the event may well have attracted the attention of historians. In view of the fact that its truthfulness and value as an authority have never been questioned, I should like to raise the query whether our writers on Bunker Hill have paid to this embattled divine the full meed of honor and praise to which he was clearly entitled?

You will remember that in the year 1818, as the result of General Dearborn's attack upon Putnam's conduct in the battle, a fierce controversy ensued which involved successive generations and which to-day cannot be regarded as safely and finally composed. It resolved itself into a wrangle over the question as to who commanded at Bunker Hill and while there was a certain accord that in the nature of things there could have been no "authorized" chief, yet by some, principally of Connecticut, it was maintained that Putnam was the dominating influence in the field; while by others, prin-

cipally of Massachusetts, such control as existed was ascribed to Prescott. Though neither of these men in his lifetime made any public claim to this doubtful honor, their partisans nearly half a century later did raise and savagely debate the question. Now what is there, I should like to ask, recorded of either Putnam or Prescott that compares with Martin's contribution to the management of the field?

Who was it who assumed Gridley's functions as engineer when that officer was taken ill? It was Martin, and apparently Prescott was not even consulted in the matter. Who was it who saw that the hill was in danger when Prescott remained blind? Martin. Who was it who dared to quarrel with Prescott to his face and who in his salutary insubordination brought Putnam to the rescue with reinforcements? It cannot be denied that Martin was the man. When in that critical moment of the battle the Irish bid fair to stampede the field, and a linguist was necessary to save the situation, who was there but Martin, who could utter the necessary word? And when the Connecticut troops were shaken not by the enemy but by suspicions of treachery, who was it who allayed their fears and induced them to fight on? It was Martin and always Martin. How could Stiles have failed to suspect the real importance of his guest of the thirtieth of June, 1775. How could our modern writers conversant with the Chaplain's narrative, have read it, weighed it, and used it, with no conception that they were dealing with a real leader and inspirer of men? Putnam was a Brigadier in the Connecticut service but the Massachusetts soldiers cared for no orders from him. Prescott was colonel of a Massachusetts regiment, but he plainly insinuates that his orders were disobeyed by Knowlton, the Connecticut captain. Martin was only a chaplain, but no one but Prescott flouted his commands and men of all races and from all provinces, including the Commander-in-Chief at Cambridge, heeded and obeyed his lightest word. Aside from his influence in the field, I suspect that Martin has left his impress upon the first authorized American account of the battle. You recall the Chaplain's account of that last fierce struggle after the retreat begins when the British come rushing around the American left and he resorts for the first time to weapons of the flesh. This

is a perplexing incident, in disagreement with all the evidence advanced by either side. It is sustained in the report of the Committee of Safety and in that alone. Now this report was prepared by the Reverend Peter Thacher who viewed the battle from afar and who is careful to tell us that "what facts he did not see himself were communicated to him by Col. Prescot . . . and by other persons who were personally conversant in the scenes which this narration describes." I cannot resist the conviction that among those "other persons" consulted was Chaplain Martin who in this way was unconsciously preparing official confirmation of one statement that he made to Stiles.

Here ends, or did end, my paper on Chaplain Martin. I had formed certain definite views in regard to him and his story and my purpose was to conclude by giving frank expression to these opinions. Before doing so I determined to find what I could of his career, character, forbears, and descendants, sharing with Mr. Frothingham a natural distaste to belittle the services of any of our Revolutionary heroes. My efforts to secure information through conventional historical and genealogical channels brought no results, and then I had recourse to what should have suggested itself in the first instance as the obvious thing. I bethought me that Stiles' *Diary* was admirably indexed and so turning to the end of Volume 3, I discovered in a moment that only a fragment of what Stiles had to say of Martin was known to our dead and gone historians. This happy move which can hardly be classed as a miracle of research, makes it possible for me to present a sequel to Martin's remarkable story of Bunker Hill. It constitutes a remarkable story concerning Martin himself as revealed by Stiles. In the interest of clarity, I shall submit this also in the form of a paraphrase.

In the first place it appears that it was on April 16, 1775, two months before Bunker Hill, that Stiles first met or first mentions Martin. On that Sabbath Martin preached for Stiles "all day." As the result of this association Stiles made some entries in his diary. There is nothing as to the character or efficacy of the sermons but we learn what is more to our purpose. Martin was perhaps twenty-four years old. "He was born in Ireland and educated at a Romish

Academy or Seminary at W[est] Meath. Tho' an Episcopal Protestant, he became a Dissenter & was ordained " by Pastors of the Independent Association in the North of Ireland formed since 1765. This was in 1771, and he came to Nova Scotia in 1772. He was " personally acquainted and lodged with the Pretender in Ireland [in] 1771 " and received an offer from that Prince to become one of his Chaplains, he maintaining four of the Huguenot persuasion in Paris at an annual yearly salary of £120. Martin informed Stiles that the Pretender's age was about fifty-five, that he travelled incognito through the three kingdoms every two years and drew from them seven or eight thousand pounds each year. " The Pretender told him he had never received the Mass, was not a Papist, but a Protestant."

Three days after this interview, on April 19, Stiles attended " Mr. Kelly's lecture," to hear Martin preach from Galatians, V chapter, and first verse. It is not clear as to whether Stiles had conversed with his young friend since the 16th, or whether his entries of the 19th are to be regarded as the outcome of his serious reflections upon the previous interview. He restates certain details but with more positiveness and greater elaboration. Martin, he says, was born in 1750, his father died when he was six months old, and he lived in the west of Ireland until he was seven years old, speaking and hearing nothing but old Irish. He was sent by his guardians to " The Romish Seminary," to be educated as a physician, and studied Physic there three and a half years under a Roman Catholic professor. " Though educated in the Church of England, he became a Member of a Deistical Club " and then a Methodist, from which we may infer that whatever he was doing in the study of medicine he preserved a singularly open mind in matters of theology. He began to preach at eighteen and was twenty-two when he came to America, " having," says Stiles, " preached above six hundred Sermons the first year." Then comes this hint of humorous appreciation, " perhaps smitten with a religious Ambition to see how soon he can preach 15 Thous[an]d or as many as Mr. Whitfield did in his whole Life."

It is not surprising to learn from Stiles that Martin was expelled from the Seminary for his Methodism. He then

turned to the Seceding Presbytery in the north of Ireland for ordination but, as a student in a Catholic Seminary, he was refused recognition until he should have studied four years in Scotland. Probably he did not partake of this grim antidote, for, as we have seen, he was ordained in his twenty-first year. Then in Stiles' narrative the Pretender re-appears. Martin had three interviews with him and declared roundly to Stiles that he would never pray against him as a Papist, because he knew he was no Papist. In proof of which, "he told him so." Stiles, unconvinced, ventured to enquire if it was not possible that the Pretender had "imposed upon him and taken him in." Then follows this picturesque phrase, "He smiled a smile of Resentment and said, you may think so if you please." This matter of the Pretender's faith was clearly much on Martin's mind. He reiterated that "Charles was no Papist" and added, "if I shd. talk so in England or Ireland I might perhaps be taken up — but America was a Land of Liberty where Men said any Thing." I imagine that Stiles communed with himself before making his final entries for that day. I can seem to see him pacing up and down his study pondering upon the utterances of the Reverend John Martin. Then he takes his pen in hand and records his impressions. "After talking so that one would have took him to be a close Friend of the Pretender; he said he had six scars of Wounds which he received from the Papists — one he shewed at the Edge of his Eye, made by a stone thrown at him while preaching; and then he talked as one that had been a Martyr for Protestantism. I doubt his true Character. He was educated under Jesuits. Their Subtlety is great. Would not Charles give £100 salary to a Man under the Mask of a Methodist Preacher to itinerate and carry thro' America at this critical Time, an Assurance that he was a Protestant, supported 4 Hugenot Chaplains, and never partook the popish Mass or Sacrament?"

It is evident that on that April evening in 1775 Stiles had reached an opinion of Martin not far different from that which oppressed me in the spring of 1924 when I first perused with care his time-honored narrative of Bunker Hill. If Martin had appeared at the Newport parsonage on that

historic thirtieth of June 1775, with a view to placing his spiritual services at the disposal of Stiles for the following sabbath, I think the conscientious New England clergyman would have found some way to be rid of him. But the Stiles of June 30 was not the Stiles of the April 19 preceding. In the meantime the Battle of Bunker Hill had been fought and Stiles had become the victim of a complex. He was striving to believe that five thousand British had taken the field on that occasion and that four thousand of these had been laid low. He was distinctly in a bloody-minded mood. He welcomed Martin not as a co-worker in the Lord's Vineyard but as a stout warrior who had helped maintain the good cause against the hosts of oppression. He was hungry for news and Martin gave him in full measure what he craved. The whiskings of that sanguinary long sword and the disembowelling of Fusileers were eagerly recorded, and the prevalence of discordant Irish and the persistence of cannon balls stirred neither doubt nor humor in his breast. One word of misgiving, a reiteration of his doubt of Martin's " true character," would have put such scholars as Sparks, Bancroft, and Frothingham upon their guard. But to Stiles, Martin in the pulpit and Martin in battle were two distinct personalities. Moreover, it is not certain that this interview was valueless in softening some of Stiles' suspicions engendered by Martin's theological acrobatics and his assertions as to the Pretender's contempt for the Mass. At all events, he did attend the service on the evening of June 30 to hear Martin preach from that militant text in Nehemiah which we have already quoted.

Two years passed and then under date of May 12, 1777, we come upon this entry in the diary of Stiles: " I went to Providence, where this day Rev. Mr. Martin of Ireland was taken up by General Spencer for a Spy and as having a Commission from G. Howe." This seems a laconic and unfeeling announcement and then in his entry for the next day, May 13, we read as follows: "At Providence waited on Gen. Spencer who told me Mr. Martin had been over to the Enemy in the Jerseys and returned. One Dennison of Stonington informed the General that Mr. Martin had a

Major's Commission and offered him a Captaincy. The General sent him off to Windham."

No word of comment escapes Stiles upon this deplorable incident and he gives us no hint as to the fate of the young clergyman who preached for him "all day" on April 16, 1775, and who gave him that excellent story of Bunker Hill, well calculated to add to the gaiety of nations. Stiles' entry of February 14, 1781, is given over to a discussion of "the new Religionists at Nesqueunia, ten miles N. W. from Albany."[3] . . . "The Number of the Teachers or Heads is twelve," he tells us, "five males and seven females; three of the males and two fem. profess to be perfect — the other seven not perfect yet, but far advanced. This people are Europeans, a part of which came from England to N. York in the year 1774. The head of this new faith was a woman known by the appelation of the Elect Lady,"[4] and though claiming to be "the Mother of the Elect, that the Fulness of the Godhead dwells in her, that she is the Queen of Heaven, Christ's wife, that Christ thro' her is born a second Time," we learn from Stiles that she with others of her following were clapped into jail by unsympathizing civil authority. Then says Stiles: "I suspect this dozen profane Europeans with one Mr. Martin a preacher from Ireland and some others, have been sent over into America by Ministerial Connexions, to excite Confusion and religious Disturbance and propagate principles against fighting and resisting G. Britain; and also to cover themselves with this cloud of religious Dust while they are acting as Spies among us and procuring and faithfully transmitting political Intelligence to the Enemy."

If I read this last extract from Stiles aright, Martin remained no longer in his estimation as the wielder of that Irish long sword in the cause of liberty on the slopes of Bunker Hill, but as a spy "to propagate principles against fighting and resisting G. Britain."

Who and what was the Reverend John Martin? Was he a Methodist parson or a British spy? Was he in the confidence of Bonnie Prince Charlie? Did he conspire with

[3] This refers to the earliest Shaker settlement in America at Watervliet, N. Y.

[4] The famous Mother Anne Lee.

the followers of "the Elect Lady"? Was he present at Bunker Hill? There may be evidence in existence that throws new light upon these questions but I for one am done with Martin. He has been an engaging companion, I have found him endowed with all the humor and glowing imagination of his race. But the best of friends must part and I am content to leave him at Windham.

Mr. LORD read the following extract from a letter of Nahum Mitchell, the historian of Bridgewater, to Judge John Davis, February 26, 1816:

> I understand that old Colonel Edward Howard a short time before he died, being inquired of respecting the fate of Philip's son, said, that the mother and son were transported to the W[est] Indies and sold. Mr. Flint says this inquiry was made in consequence of a conversation he previously had with Doctor Holmes of Cambridge on the subject of Philip's family. I should rely very much on what the old gentleman may have said on a subject of this kind, as he was very inquisitive all his life into every thing which respected the first settlement of our country, and had more correct information on the subject than any man of his time among us. I thought I would mention this to you, as I understand you intended to give some opinion in your work on the probable fate of these captives.

He called attention to statements in print on the fate of Philip and to the fact that Mr. Mitchell alone includes Philip's wife as sharing the fate of his son.

FEBRUARY MEETING.

THE stated meeting of the Society was held on Thursday, the 12th instant, at three o'clock, P.M., the President, Mr. LORD, in the chair.

In the absence of the Recording Secretary, Mr. Tuttle acted in his place and read the record of the last meeting which was approved.

The Librarian reported gifts from Miss Bessie Bardwell Lincoln and Miss Irene A. Wright. Also the deposit of manuscripts by the Colonial Society of Massachusetts.

The Cabinet-Keeper reported gifts from Hilbert F. Day and the Rotary Club of Springfield, Illinois.

The Corresponding Secretary reported that a letter had been received from John Whittemore Farwell accepting Resident Membership.

Alfred Marston Tozzer, of Cambridge, was elected a Resident Member of the Society.

Mr. Paul R. Frothingham read a paper on the Relations between Edward Everett and President Lincoln, which will appear elsewhere.

Mr. Albert Bushnell Hart related incidents touching both Everett and Lincoln.

Mr. MERRIMAN read the following letter, a gift to the Society from Philip Putnam Chase:

JOHN BATCHELDER PEIRCE[1] TO LYDIA PEIRCE.

AT SEA ON BOARD STEAMER TENNESSEE,
Friday April 12, 1850.

MY DEAR AUNT: — It is just two months today since I left home and friends for the far off land of California. We are now sailing along the shores and if nothing unforeseen occurs we shall drop our anchor, and step ashore at San Francisco after one more

[1] Baptized John Peirce Batchelder. He was son of Andrew and Ruth (Putnam) Peirce and was born November 26, 1803, and married (as Peirce) Sarah Ann Hallowell of Lynn, October 25, 1831.

day of sea life. Our distance now from Port is twenty-four or thirty-six hours sail, and you may suppose the sight this morning from our deck of the green shores of our new home is a pleasant one, broken and rough though it be, and cold and bleak as its hill-tops look, snow-capped and glittering in the sunbeams. We look to it as our journey's end, as a relief from the crowded cage in which we have been prisoned, wave tossed and nauseated, with disgust for twenty long days and nights.

I am in perfect health and thankfull indeed for the blessing, thankfull for the preserving care of a kind Providence, which has kept us through the perils of so long a journey, with no serious accident, and very little sickness, and no deaths. Six hundred men, women and children, from all parts of the country, representing all the grades in society, all bound for one Port, for one object. A motley company, on a strange pilgrimage.

We left New York in the Steamer *Cherokee* the 16 February and arrived at Chagres, which is called two thousand miles, the 26th. Slept one night there and next morning five of us (myself and partner and three Boston boys) took passage in a canoe up river. We had plenty of room for ourselves and baggage, and propelled by two powerfull rowers, and the owner of the boat at the helm, all of them natives. We sailed along very pleasantly about two and one-half or three miles per hour. The actual distance across the Isthmus in a straight line is not probably more than thirty or forty miles, but the river is very crooked, and is reckoned about fifty miles and the days ride twenty miles beyond, making nearly eighty miles' travel, as the route goes.

The river is deep and quiet, about a hundred yards wide, and narrows and grows more rapid as we ascend. Our first day's was delightfull, the season just the pleasantest for travelling in this tropical climate in the whole year. The winter or rainy season had closed, and the intense heat of summer had not fairly set in. The air was like our best June weather, and the never fading verdure of the tropics was now in full leaf and flower. From the water's edge rose up plant, shrub, bush, vine and tree, in such luxuriant growth that every inch of the rich soil seemed to have its tenant. And so closely interwoven was this beautifull drapery of every changing hue, spangled all over with ornamental flowers, from the little daisy to the huge blossoms of the large trees, all intertwined and laced together, or hanging in gracefull festoons and rich bowers and arches, filled with the music of a million birds, of all sizes and every variety of plumage. All was so strange, so new to me I was quite enchanted. Huge palm trees with their tall

trunks and strikingly gracefull tops with large clusters of cocoa nuts hanging to them, logwood and mahogany trees of giant growth, monkeys and parrots gambolling in their branches and screaming and chattering like mad, as a report from some yankee rifle or pistol is heard echoing among the depths of the forest. It all seems like enchantment instead of reality.

We stopped in a cool nook where a trickling stream runs into the river, our boys run up the banks and bro't us fresh water from a spring, and I think I never relished a meal with more zest than this first dinner of hard bread, with a slice of dried beef and cup of spring water, on the banks of the Chagres River. At night our boat was fastened to shore at a stopping place, where we obtained the privilege of sleeping on the ground, under a thatched shed or roof, by paying beforehand two dimes. My rubber blanket under and woolen one over, made me a good bed and I slept sound till morning. Our boatmen did not even need the roof shelter, but rolled themselves up in their blankets and packed down on the sand by the river side and slept till morning.

We had provided food for our trip across, as the natives could not half supply the army which is rushing through their country with such rapidity. These people are but a half barbarous people, indolent and ignorant. The soil produces spontaneously enough to satisfy their few wants, and they have no ambition for any thing more. Clothing is hardly necessary in this warm climate, and a hat of straw and a cotton garment of the simplest kind — shirt or frock for male and female — is all they require, and for males this in many cases is cut down to a simple cloth tied around the waist. The children are perfectly naked, not a rag till eight, ten or twelve years old. These are the natives of the Isthmus, who live in small bamboo houses, covered at the top with thatch. They sleep in hammocks or on the ground. Where they associate and form a village or town some of them dress more. They are a mixture of Indian and African and partake of the habits of each race. Some few have European faces, with a mixture of Spanish blood. Their language is Spanish and their religion, judging from what I could learn, is Catholic. We were two days on the river and arrived at Gorgona much better pleased with the land route so far than we expected. We started from Gorgona on mules after dinner and rode till dark, stopped at a ranch or farm, slept as usual on the ground under an open roof, and next morning arrived before noon at Panama, a walled city on the shores of the Pacific Ocean. We had now accomplished what is considered the worst part of the journey and had only our straight voyage to San Fran-

cisco before us. But here we were delayed three long weeks, waiting for our steamer, which had not arrived. We took up our quarters at a hotel, and at last our ship was ready and with gladness we left the sultry heat of a pent up city for the clear breezes of the Pacific.

On board the *Tennessee* we are badly crowded — about six hundred in all. Our living in cabin is good enough, our captain a prudent man, and our ship appears to be strong and staunch. This ocean is much less subject to storms than the Atlantic. We have had a smooth time and but little sea-sickness. I was sick on board the *Cherokee* a few days, but soon came to my appetite. So on the *Tennessee*. After three weeks at Panama I had a few days of sea-sickness, but on the whole have enjoyed the voyage much and, in fact, my dread of the sea has entirely vanished. With the exeception of the crowded state of our ship and our detention at Panama so long, the whole thing has been a pleasure trip, and after the railroad across the Isthmus is built, and the lines of steamers arranged so as to avoid detention, I shall have no objection at all to take the trip once a year.

The news from San Francisco is rather unfavorable for business, but I am enlisted and hope for the best. I said in the first place my health was good. I never was better and I am now full of hope that I shall succeed in my undertaking. But I feel also somewhat prepared for disappointments. The whole expense from Boston to San Francisco in the best cabins will be about five hundred dollars. The number of boats on this side is increasing, and during this summer the fare will come down one half.

We have twenty ladies and a dozen children on board our boat. It is a hard place for women at best, and I would not for a moment wish a lady friend of mine to undertake it. For comfort I should much rather a lady would go the other route, round Cape Horn.

Of the residence at California I cannot speak at present.

I have thought a great deal of you since I left home. But I am satisfied you will not want for friends, and Mr. Upton will see to your business affairs quite as well as I could. I felt a great weight of duty laid on me to take this step, and so far as I am myself concerned have no occasion to regret the step. I think much of my wife and children, but not anxiously. For Alfred I think I made an arrangement better even than to be under my care. I think if his health is spared and he tries to do for himself, his opportunities are much enlarged. I hope well for him. The younger children under the care of their mother, I am sure, will have all done for their welfare that I could possibly desire, and

considering the whole position of my family I don't know as I could arrange better if I had it to do again. I only trust Providence for good results and wait anxiously yet patiently for my mission here to be fulfilled, when a reunion with all I love will fully reward me for all the privations of the present.

San Francisco, Tuesday, April 16, 1850.

We arrived here Sunday, toward night, landed a few passengers, and Monday most all left the ship. I have been round the city some, find quite a number of acquaintances and like the appearance of things here full as well as I had expected to find it. Things are new and rough enough, but the place is healthy and for money one can get all the comforts and luxuries he can wish for. I pay about five or six dollars per day for the present, but shall get a private boarding house in a few days at less price. We go up to Sacramento City today on business, return again this week. Lumber is low, will not bring more than Boston prices and dull sale. The miners are getting gold in greater quantities than ever. This place and at the mines, so far as we have heard, is very healthy. I shall probably make my home here in this city for two years and my prospect for business looks as favorable as I had reason to expect. When I have had time to examine more fully I will write again and remain yours with affectionate interest

John

[Addressed:] Mrs. Lydia Peirce, Danvers, Mass. U. S. A.

Mr. Ford read a paper on

A Letter of Alexander Hamilton.

I propose to read a newly discovered letter of Alexander Hamilton, written in the spring of 1779 when he was in the military family of Washington, and addressed to a fellow aid, John Laurens, then on a mission to the South. That a warm and affectionate relation should exist between the two men was natural. They were nearly of an age, both had been born in the far south, and both had a breadth of ability that comes only when natural parts are improved by travel and early responsibilities. With this letter as a text I propose to draw some conclusions, not so much on the historical as

on the personal aspects. The incidents of the time are well known, but there is always excuse on the discovery of new material, however slight, to review certain details and call attention to relations of man to man which form so attractive a part in history.

HEAD QUARTERS MIDDLE BROOK,
May 22d, '79.

D'R LAURENS: Monroe is just setting out from Head Quarters and proposes to go in quest of adventures to the Southward. He seems to be as much of a knight errant as your worship; but as he is an honest fellow, I shall be glad he may find some employment, that will enable him to get knocked in the head in an honorable way. He will relish your black scheme if any thing handsome can be done for him in that line. You know him to be a man of honor a sensible man and a soldier. This makes it unnecessary to me to say any thing to interest your friendship for him. You love your country too and he has zeal and capacity to serve it.

I wrote you at length some weeks since. Tilghman is absent. Business is plenty. I cannot enlarge. I wish ardently to hear of your success. Affectionately y'rs,

A. HAMILTON.

Monroe is not ready so soon as I expected and I have another moment of leisure which I improve to say a word on our military affairs. We have no new projects since you left us. The Western expedition is near the period of execution and I think will succeed. The preparations for want of money have been somewhat tardy. The enemy have received as yet no reinforcement. They lately made a detachment to the Southward of about 2000 men which is said to have made a descent at Portsmouth in Virginia. No authentic advice of this but it is credited. The General says it will give them the command of two disaffected counties abounding with supplies. These probably their object. We believed they were bound Southward. It is not unlikely, this may be the eventual destination.

I dont imagine we have any great prospect of an active campaign here on a large scale. The General is apprehensive we shall. No doubt there will be reinforcements but I hope not very extensive. The idea of peace fascinates The Continent and has plunged it into a lethargy from which nothing but destruction will rouse it. Our affairs are in a bad way; but I hope they will end well. Europe will save us in spite of ourselves.

My D'r Laurens in perfect confidence I whisper a word in your ear. I hate money making men. I am no partisan of Deanes. But Lee ought not to be supported. The Minister you may depend upon it has signified the distrust of his Court towards that man, and adds that of The Court of Spain. This disqualifies him absolutely for representing our interests at either of those Courts — at least at the present juncture. Their friendship is the pillar of our security. Obstinately supporting a minister of whom they are diffident, will naturally lead them to extend their suspicion to the government itself. I need not say what this may produce. At another period, I should not be fond of removing a Minister from a Court because that Court affected to want confidence in him, unless I had good evidence of his infidelity. But we ought to accommodate our conduct to circumstances. This is a time to yield. I repeat it the friendship of France is our *unum necessarium.*

I mention this matter to you, my D'r, because your good father whom I venerate is in this instance on the wrong side. I know he acts from system and follows his own judgment — but I know also he sets a proper value on yours, aided by the affection of a father. This is a delicate subject — I say no more.

Let me know fully Y'r Southern affairs. They are interesting and critical. You are judicious and impartial. God bless you. Harrison, McHenry, Gibbs put you in mind of the place you have in their hearts. McHenry would write you; but besides public business he pleads his being engaged in writing an heroic Poem of which the family are the subject. You will have your part in it. He celebrates our usual matin entertainment, and the music of those fine sounds, with which he and I are accustomed to regale the ears of the fraternity. Harrison holds a distinguished place in the piece. His sedentary exploits are sung in strains of laborious dulness. The many breeches he has worn out during the war are enumerated — nor are the depredations which long sitting have made on his —— unsung.

I think it necessary for the credit of my own wit to tell you that I have borrowed the wit of the present collation from McHenry.

[Addressed:] Lt. Colonel Laurens, Aide De Camp to the Commander in Chief, South Carolina. [Postmarked:] W'msburg. 2d.

In Lodge's *Writings of Hamilton* the letters written before the end of 1778 occupy some ninety pages, and only two letters bear date before the Revolution. The earliest in

time, written in November, 1769, when he was still in his thirteenth year and a clerk in a merchant's office, so expresses the man as to bear quotation: "My ambition is prevalent, so that I contemn the grovelling condition of a clerk or the like to which my fortune, etc., condemns me, and would willingly risk my life, though not my character, to exalt my station. I am confident that my youth excludes me from any hopes of immediate preferment; nor do I desire it; but I mean to prepare the way for futurity. I'm no philosopher, you see, and may justly be said to build castles in the air; my folly makes me ashamed, and I beg you'll conceal it; yet, Neddy, we have seen such schemes successful when the projector is constant. I shall conclude saying I wish there was a war."

Seven years later he had his wish for war and was captain of an artillery company of New York. Nine days after he completed his twentieth year the General Orders announced his appointment as aide to General Washington. On that very day he wrote to a committee of the New York convention accepting a proposal to communicate "such transactions as shall happen, such pieces of intelligence as shall be received, and such comments upon them as shall appear necessary to convey a true idea of what is going on in the military line." But, he warned his correspondent, whatever opinion he should give must be considered as his private sentiments, never to be interpreted as an echo of those of the General. The chairman of this committee for which Hamilton was to compile News-Letters twice a week was Gouverneur Morris, one of the best letter writers of his day. Had not this fortunate connection been formed we would have had practically no important letters of Hamilton from his entrance into Washington's family until the autumn of 1777. As it is nothing could be better. The exchange of letters was interrupted and only one side of it exists, for Morris's letters have been lost. It called out a quality in Hamilton of the highest service to him later, training his observation and ability to express himself, and under the best of incitements. Headquarters literally was the centre of news, rumor and action — the nearest approach to the office of a great newspaper. There Hamilton was in touch with affairs and from

the start won the confidence of the coolest mind of the day — that of Washington — a matchless teacher, if only by example. He was writing to an important committee in the legislature of New York — still in name a royal colony. Jay, Robert R. Livingston and Gouverneur Morris — the names are warrant for Hamilton's future — if he made good.

Let us begin with the opening part of the Hamilton letter. The tragic sequel of the warm endorsement of Monroe came twenty years later. As secretary of the treasury Hamilton believed that the public debt should be provided for on the basis of the contract upon which it had been created. As the debt or public facilities then stood that policy opened wide the door to speculation and only by a miracle could Hamilton have escaped suspicion or even an open charge of participation. The source of such an impeachment would play an important share in fixing the truth, for mere assertion is not enough. In this case it originated with two men under charges of subornation of perjury in an attempt to get money fraudulently from the government. Faction ran so high that an accusation from such a source might yield some weapon of attack, for journalism was at a very low ebb and stickled at nothing. Three Members of Congress — Frederick A. Muhlenberg, Abram B. Venable, and James Monroe — all opponents of federalists and especially of Hamilton, constituted themselves a committee to investigate. Interviewing the pair of perjurers they obtained in documents and in innuendo what seemed on its face sufficient ground for action. They laid the details before Hamilton. To this point no objection can be made to their methods or intentions. No official reputation was then or has been since sacrosanct against criticism, though the course of history is littered by the absurd spectacle of officers of government claiming to be exempt because of their office. In fact, we might go further and say that Muhlenberg and his colleagues were in duty bound to look into the matter and act according to their findings. How Hamilton answered the charges makes one of the dramatic situations in our history. We have had imitations, but they have been of the pathetically weak — as in the Belknap matter — or grossly improper — as in the Whiskey ring operations — or unconvincingly melo-

dramatic — as in the Blaine protestation. It would be difficult to find another instance of so bold a defiance made at such personal loss, but this very sincerity of sacrifice made it complete. Muhlenberg and Venable announced themselves as wholly satisfied; in their minds no shadow of suspicion remained. Monroe too seemed content and measures were taken to put the documents in the case beyond the possibility of doing further mischief.

Why they were not then and there destroyed, the simplest precaution against misuse, is not explained. This happened in December, 1792. For his own defence Hamilton retained copies of the documents brought to him by Muhlenberg and the originals were left in the hands of Monroe, who had become the chief mover in the affair, and neither of his partners — Muhlenberg and Venable — retained so much as a copy of a single document. This concentration of holding implied concentration of responsibility, for it is certain that neither Muhlenberg nor Venable would ever of themselves have stirred to reopen the unsavory charges. Monroe claimed that shortly after the explanation had with Hamilton he deposited the papers with a respectable character in Virginia. Be that how it may respectability has its standards and in this case they proved low. For the documents were shown and the worst interpretation given to a journalist whose name became a stench in the nostrils of true respectability at a time when even the best found much in the newspapers against public morals and decency. In a periodical pamphlet, a mode of publication then practised because of its economy and convenience in circulation, the story was told at length, the documents printed, the offensive explanation aggravated and the breach of confidence made total. That breach could only have come from one source — Monroe. Hamilton proved that and demanded explanation or reparation. Had the Virginian proved game he might have played Burr's part and anticipated his notoriety by seven years. He did not play the game, paltered, gave a half challenge, which Hamilton accepted. Monroe then explained he had no intention to challenge but named Colonel Burr to arrange one. In the light of seven years later for Hamilton, and nearly twenty years later for Monroe could anything be

more theatric? At the moment Hamilton's shaft struck home: "The result, in my mind, is that you have been and are actuated by motives towards me malignant and dishonorable; nor can I doubt that this will be the universal opinion, when the publication of the whole affair which I am about to make shall be seen." True, but what a contrast to the sentences in the letter of 1778, only some twenty years earlier. The respectable character in Virginia, who could only have acted on Monroe's direction, was John Beckley who had just been dropped as clerk of the House of Representatives, and the whole incident shows how far politics will carry men, otherwise honorable, when factional advantage is in question. The Monroe of 1778 and that of 1797 were quite different characters. Hamilton too had changed, developed by experience and still masterful. He also was to tread the path of party until it closed in the hopeless division of his party through his leadership and his own destruction at the hands of the man who would have been Monroe's second in 1797. Such was the complete reversal of relations between the two men in fifteen years and solely for partisan reasons.

Given a large body of letters of a public man it is possible to picture him in almost any character that is wished. This is done by taking a sentence here, a phrase there or a paragraph from a third paper, piecing them together and so forming what appears to be a continuous and connected story. That constitutes our method of writing history. But if a partisan motive infects the selection of material some monstrosities result, equal to any shown in museums or country circus of old. If we were all held strictly responsible for our early utterances and interpreted by them interest in humanity would end. Baby talk can hold attention for a time but only for a time. What one regards as remarkable is that some men never seem to have thought or talked in a youthful manner, and before their majority expressed themselves with the balance of one who had tasted life and its education for many years. Hamilton at the mature age of thirteen laid down his ambitions with a touch of certainty that could only have been confided to an intimate of about the same age. He wishes to prepare for advance in futurity, admits indulg-

ing in air castles, but asserts that such schemes have been successful when the projector is constant. Language like that from a grovelling clerk to his employer would have made the latter gasp — perhaps introduced a reasonable doubt in his mind on the capacity of his bookkeeper. He would have experienced a further shock had he known that his clerk had wished for a war, that bane of the solid, conservative merchant.

Back of this floating ambition was a foundation of conservatism which naturally developed as time and conditions wrought upon it. Hamilton was no dreamer, even at thirteen, and in so narrow a field as St. Kitts to have indulged his dreams would have put an end to his usefulness. He brought his warm tropical blood to New York, and when a little over eighteen proved that his self-confidence had not suffered by the removal. Jay, never charged with youth or hot blood, was the embodiment of cold judicial temper and was twelve years Hamilton's senior. Yet the younger man in 1775 instructed the elder on the dangers of fatal extremes in times of commotion, mentions the unthinking populace, whose minds "loosened from their attachment to ancient establishments and courses seem to grow giddy and are apt more or less to run into anarchy." His fears were confirmed by his reading and his own experience — he in his nineteenth year! Imagine Cruger, his merchant employer, or Jay in 1775 passing judgment on Hamilton's ambitions, already so defined towards leadership. Would they have held reservations — suspicious of a dictator?

The charge of ambition, one of the easiest to make and one of the most difficult to meet fairly, Hamilton would not have denied at any stage of his life, although the word is tainted in use. Introduced into modern languages from the Latin by way of the French it meant an inordinate desire and what is inordinate cannot be defended. Softened into an eager desire it not only becomes commendable but may be set forth as the ruling motive of man, if directed to what is honoring or creditable. When John Adams speaks of the ambition of Hamilton the picture of a Caesar or Napoleon is before us, one who would overthrow the state to attain his own selfish advantage. Washington knew of Adams' feeling

and sought to bring it into juster proportions: "By some he is considered as an ambitious man, and therefore a dangerous one. That he is ambitious I shall readily grant, but it is of that laudable kind, which prompts a man to excel in whatever he takes in hand." Nearly two centuries earlier Bacon had expressed the opinion: "It is lesse harmefull, the Ambition to prevaile in great Things, then that other, to appeare in every thing." Pickering, who had a tongue as caustic as his pen, boasted that, though not a friend, he had never had one moment of enmity with Hamilton and by drawing a comparison showed a streak of jealousy of a closer friend who had enjoyed Hamilton's confidence in later years more than any other person: "Hamilton's ambition was that of a generous mind, of pure and disinterested patriotism: King's was at bottom selfish." Could Pickering, or Adams, or King have known of another letter written to Laurens in September, 1780, when the army seemed in its last gasp, how great would have been the protest — or explosion! Masterful always, he insisted that his remedies for the evils then prevailing must be forced down or the patient would die. It was a case of galloping consumption. "I hate Congress, I hate the army, I hate the world, I hate myself. The whole is a mass of fools and knaves." His buoyancy of spirits prevented that tone from becoming fixed and his surroundings and absorption in duties worked off the depression.

The family of Washington at headquarters, his secretaries, aids and commander of his guard, would appear a small affair compared to a modern G. H. Q. but much more homely, human and delightful. Some of us have wrestled with the help question — and, of course, failed; some of us have sought stenographers, and won a qualified success; a few of us have employed private secretaries and been frankly overreached — or topped — the difference is not great. Washington had to build up an organization from the beginning and he had no precedent. He had been colonel in the Virginia militia and had been fortunate enough to serve under a general unfit for service. He knew the management of two or three regiments, the regulation of garrison life in a frontier fort and the general routine of scout and camp life. Thrown much upon himself the sense of responsibility had

been bred in him and he had mastered the general details so far as the crude colonial establishment — the very word seems too large for what it covered — could supply them. In his short service under Braddock he had advanced higher, acting as a volunteer aid and being in touch with headquarters, though I much doubt if he ever became a virtual part of it. The persistent contempt shown by the regular to the provincial would prevent. Still he gained by the short and trying exercise and was observant.

When he went to Cambridge after years of retirement from military service he took with him from Philadelphia a single aid — Thomas Mifflin — and a secretary, Joseph Reed, both Pennsylvanians, both destined to play important parts later, and neither well qualified for his office. In six weeks a Connecticut man — John Trumbull — and two Virginians — Edmund Randolph and George Baylor — had become aids, and also proved misfits. By November, Reed had given way to the Marylander, Robert Hanson Harrison, who served as secretary to the end of the war — a faithful and highly trusted assistant — "sensible, clever and perfectly confidential," but cramped in his outlook. While the army lay before Boston, concentrated and still unorganized, for it contained too many short service regiments, there was no pressing need for a larger family. When the town was evacuated and operations extended to a wider field, the task of finding more and better aids proved severe. In the twelve months of 1776 eleven appointments were made and of the eleven four held over as satisfactory. The next year gave three names among seven appointees of unusual merit — Alexander Hamilton, John Laurens, and James McHenry. Headquarters had passed through much the same experience as the army, and been shaken down into a stable and efficacious routine. The leading characters in the family were: Tench Tilghman, the oldest in years, born in 1744, a Maryland merchant and a capable assistant secretary; Harrison, the second oldest (he was born in 1745), known as the "old Secretary," a patient drudge if ever there was one, but one who never presumed to claim privileges because of his years and connections; Richard K. Meade, born in 1746, a Virginian and much that that implies; McHenry, another Marylander, born in 1753,

and afterwards secretary of war of a size that did not quite fill the office; John Laurens, of South Carolina, only a year older than Hamilton, and of a refinement and natural ability that brought him closer to Hamilton than to any other of his companions, a character wholly lovable. The Southern element formed a heavy majority in the family, by a process of natural selection; but the trio of Hamilton, Laurens, and McHenry easily stood above the rest and, nearest in age, established an intimacy that found a more lasting expression than can be found among the others. Hamilton, the youngest, made the greatest impression upon Washington, who did not share his confidence prodigally or without good reason. Only one of this family had seen military duty or read on the subject of war. That form of experience does not seem to have been sought. A council of war could be called, if necessary, but it was a conference to be avoided if possible.

Hamilton was in his twenty-second year, Laurens in his twenty-third, and McHenry in his twenty-sixth, all in the heyday of warm blood and youth. Are we to suppose that they never played practical jokes, or practised wit or expressed humor? Was it always dull times with them? When Howe was caught in Philadelphia his officers set up a theatre and we have the playbills of twelve performances. Among the plays were Farquhar's "Constant Couple," Murphy's "No one's Enemy but his own," Colman's "The Deuce is in him," and once, Shakespeare's "First Part of King Henry the Fourth." Burgoyne's officers, prisoners of convention, hunted and dined, played the beau and showed Boston how a British officer could be social, a lesson not entirely thrown away. The American winter quarters did not furnish the same opportunities and the menu was neither varied nor refined; but the presence of many of the wives of the officers encouraged social gatherings, tame by the side of the Mischianza, but none the less free and jovial. It would add to the woe of those long and anxious winters to realize that McHenry's poems offered the only relaxation and that the sedate Harrison, already a judge in mind and in deportment, served as the only object of the younger men's somewhat broad humor. A census of Washington's recorded laughs would not be formidable. Pickering says that at his own

table in the army he was remarkably silent and his military, official and civic dinners were *grave* affairs. For an evening's social intercourse the palm would be sooner given to a man of Franklin's temper. Yet the presence of Virginians and Marylanders in the family offers an assurance of social qualities; wine and spirits passed, provocative of talk; the quality of the men, being men of education, bespeaks good conversation and no dialogue can be really good which is not sweetened with wit and humor. The old almanac gives samples of what passed current in those days, but in living speech samples are improved upon by fresh and personal applications or by extension of subject. Of this almost nothing remains, and the paragraph in Hamilton's letter on McHenry's Muse and subject comes almost as a surprise.

Letters of the time from the army showed the weight of care and responsibility, accompanied by a lack of everything beyond bare necessities, a serious treatment of a serious situation. In the cities, however, luxury and extravagance, with their concomitant features of speculation and dissipation, existed, and in family letters the anecdotes and incidents prove light-hearted cultivation in enjoyment. Not so in the camp. Yet absence of records must be the explanation, not absence of pleasures. The wholesale destruction of personal and family letters indulged in by the generations following the war for independence has among many other sins that particular one to answer for — the loss of everything that could be interpreted as undignified. A set of prigs cowering under a pall of mental depression and physical suffering resulted, in place of men of human instincts and failings. McHenry's description of a pause at Paramus is a welcome ray of light:

> We stopped at a Mrs. Watkins, whose house was marked for head quarters. But the General receiving a note of invitation from a Mrs. Prevost [it was Theodosia Prevost, wife in 1780 of Aaron Burr and mother of Theodosia Burr] to make her Hermitage as it was called, the seat of his stay while at Paramus, we only dined with Mrs. Watkins and her two charming daughters, who sang us several pretty songs in a very agreeable manner. At Mrs. Prevost we found some fair refugees from New York who were on a visit to the lady of the Hermitage; with them we talked,

and walked, and laughed, and danced and gallanted away the leisure hours of four days and four nights and would have gallanted, and danced and laughed and talked and walked with them till now had not the General given orders for our departure. We left them however in a spirit of modern soldiership without much sighing in pursuit of the dangers of war and pleasures of variety.

That was in August, 1778. These young men were human.

In December, 1780, Hamilton married, most happily, a daughter of General Schuyler. Ten weeks later he broke with Washington, abruptly, and with a false sense of injured dignity. "He shall for once at least repent his ill humor," he wrote to McHenry, but added a proof of his appreciation of the General: "I shall continue to support a popularity that has been essential — is still useful," and added somewhat cryptically, "May the time come when characters may be known in their true light." Rather high words for a man of twenty-four, applied to the commander in chief and his superior officer. He rejected every advance towards reconciliation — and Washington went far. The two years had been most fruitful to Hamilton. Beginning as reporter to the New York assembly he had engaged in negotiations with the British, and with the allies; been sent on delicate missions to generals and states; and had every opportunity to see the operations of war and the interplay of continent and states under the best of conditions. At this time the influence of Washington must have been strong, for it made itself felt wherever exerted, quietly yet forcefully. The sentences I have quoted show that it was accepted unquestioned by Hamilton. This is shown definitely by the severe and almost destructive criticisms on Washington's generalship by Timothy Pickering, who not only had been close to Headquarters as commissary and adjutant general, but had gained from Hamilton like views of the defects of their leader. Longer service as aid could have given him little beyond what he had already gained and might have injured him. For he chafed under what he termed the "personal dependence" of an aid. His pride and self-confidence made him an unwilling servant; he could control them when called upon; the sense of independence remained in protest. Undoubtedly,

however, and in spite of protest, he fell under the influence of Washington.

Is there any measure for gauging this influence? Not directly. In the Washington collection are the draughts of his letters while in command of the Continental Army and among them several hundreds in the writing of Hamilton, who had like Washington a writing as distinctive as his face, even more so. These draughts are what they purport to be, the first form of the letters and not mere copies. I have often wished to print the Hamilton series under the title of Washington-Hamilton Letters, to see if some capable student might not study the expressions and trace what was Hamilton and what was Washington. The result, if only approaching finality, would suggest how far the mind of Hamilton grew in strength and extension while an aid, and how far he retained an independent habit of thought. Washington in 1780 stated that he had never talked with Hamilton on finance, but from a thorough knowledge of him could say that few men of his age could be found possessing a more general knowledge. We know that Hamilton had at that time written on finance in a manner to attract attention by his able treatment of what had become an extremely complicated problem, the solution of which was vital to the continuance of the war, if not to the existence of the states. These Washington-Hamilton letters would supply a problem fully equal to the Bacon-Shakespeare cryptogram and no less fertile. Hamilton's son, however, claims too much for his father when he introduces each draught by the phrase Hamilton "wrote over the signature of Washington."

The indecision that marked the General could not escape the notice of so keen an observer as Hamilton, and probably that accounts for the readiness with which the younger man took every opening to place his views in channels where they would be weighed. Washington would not have laid a plan of continental finance before Robert Morris or James Duane as did Hamilton. He would not have entered into a discussion of government, nor denounced speculation in army needs against a member of Congress by name — as Hamilton did. Samuel Chase never knew who had attacked his honor nor did Hamilton live long enough to know of the impeachment

of Chase for federalist activities not consonant with his judicial office.

Washington would not have sought to influence Henry Laurens, when president or member of Congress, by suggestions through young Laurens. The wretched quarrel among the commissioners to France, precipitated by the Lees, made absurd by Thomas Paine, and dealt with by Congress with a waste of zeal and time and reputation that could in no way be compensated, divided Congress, raised factions in states and produced a train of consequences of lasting injury to state and individuals. The questions at issue were made to turn upon an incomplete maze of figures, which could not then be satisfactorily explained and which were loaded with political powder — dynamite was unknown. Great Britain could have devised no cleverer scheme for producing a break among the states, or between the continent and France. The violence of party raged at its highest pitch and throughout the States, with no pretence of preserving a cloak of reserve over facts. As an imitation of colonial outbreaks the quarrel had its lessons; but it involved the greatest danger of breaking the alliance with France, then so necessary and desirable, shortly to be so essential. The whole incident, studied in fuller knowledge of its causes and bearings, leaves a sense of disgust. Blind — blind, these storming contestants appear, without sense of the tremendous harm they could inflict, that they were inflicting. It called out Hamilton's judgment, perhaps a reflection of Washington's, though we have no record of any opinion given out by the latter. The only point the aid saw was the threat to the alliance; the individuals concerned counted for nothing. That was the very essence of the controversy. So he seeks to instruct the President of Congress. Right, but how many of his years would have dared?

I need not go further into details but draw a conclusion that may or may not receive acceptance. As aid Hamilton was quite under the influence of Washington. His law studies and practice after the peace gave him poise without affecting his confidence and in the cause of the loyalists his generosity had full swing. Service in the Continental Congress and State again widened his experience, and when he

assumed the lead in the Annapolis convention his was an influence stronger than Washington's. Plantation life in Virginia imposed its limitations and widely as Washington's connections ran, they rested upon his popularity. We have an echo of the Hamilton letter of 1781: "I shall continue to support a popularity that has been essential — is still useful," but the echo has none of the base alloy of the original. It was a whole hearted and sincere co-operation, based upon mutual trust and sympathy and working unselfishly for one end. The younger man was, however, the stronger. He organized victory and employed Washington's name and unquestioned influence for state purposes — and won. From the Annapolis convention until the death of Washington this co-operation continued, active and useful. As the older man wearied of office and public life the younger gave him loyal support and was ever growing stronger. We do not find the criticism of Washington the president that was directed against Washington the general. Conscious of his own limitations Washington leaned more and more heavily upon this trusted colleague, freely admitting his dependence, almost confessing the necessity. A finer relation can hardly be pictured, and so rare as scarcely to be matched in our history.

It had its dangers, for the rising tide of opposition to policies to which Washington lent his name, made federalism and especially the leader of the federalists an object of attack. The first suspicion of a tendency in the President to show favor to the views of Hamilton aroused the jealousy of Jefferson, and the growing assurance of that favor led to Jefferson's retirement from the cabinet. His antagonist also retired but the difference was immeasurable, and told heavily against the Virginian. Hamilton, outside of the cabinet, had more influence with Washington than ever; with the withdrawal of the Virginia opposition, who should have been the natural supporters of Washington, the field remained free to the late secretary of the treasury. He was less isolated than Washington, who paid by being stamped as a federalist — as he was — and as a tool of Hamilton — which he was not. No one can justly call Washington a party man. Only one man has done it and he sought to defend his own political conduct by Washington's example. But Washington kept

an open mind to the end; he saw eye to eye with Hamilton and recognizing the justice and wisdom of Hamilton's advice, he followed in unquestioning acquiescence. Surely the names of the two deserve to be linked together in the history of our constitutional foundations.

When foreigners take notice of an American it is usually either to praise unduly or to condemn whole-heartedly, and in both cases to lead to praise of the English constitution and English conservatism. I have not in mind the day to day comment which rests upon crude journalism, dealing with the day for the day, but to conclusions obtained from a close study of the man and his times years after he has passed on. The standards of this foreign judging are quite different from our own and form a more severe test. They are also apt to lead to strange conclusions. This happened in the case of Hamilton. In our war of secession English opinion was greatly divided and most of the writers believed that the republic had been permanently divided, beyond any possible reunion and bound to be two nations of diverse and conflicting aims, dyed by a mutual hate and distrust coloring generations of competitive strife. In social structure, in agriculture, in commerce, in the spirit of government, and in manifest destiny, the contradictions were irreconcilable. This civil war had raged for more than three years, but in 1864, after many swings of the tortured pendulum, it seemed to tend to a steady movement, properly controlled, in its former beat and regularity. Even Her Majesty's ministers who had favored the South believed that the turn had come and the resources of the North were imposing defeat on the South. At this very time appeared Riethmüller's study of "Alexander Hamilton and his Contemporaries; or, the Rise of the American Constitution." Riethmüller has not left many evidences of his work, but his connections were suggestive. He wrote a biography of Frederick Lucas, editor of the *Tablet*, a Catholic weekly newspaper of London, who became a member of Parliament and had a not obscure share in Irish questions of the time. Frederick Lucas lived much to himself; but a brother, Samuel Lucas, had married a sister of John Bright, was editor of the *Morning Star*, a journal strongly sympathizing with the North. What strange

perversity, sitting as it were, at the fount of truth and perfect sympathy with the moral side of our American conflict, to write a book the whole intent of which was to prove that Hamilton would have favored the destruction of the union and out of the fragments the formation of two republics, with slavery untouched. His argument was simple. Hamilton was eminently practical; he would have bowed before the force of circumstances; he would have preferred two confederacies to one despotism. That was Buchanan and every Copperhead of the war, precisely those who would bow to the force of circumstances — at the wrong time. No wonder a later writer — Oliver — scored a pronounced success by dealing with the life of Hamilton in the form of an Essay on American Union.

So we interpret this letter, which may not deserve so elaborate an interpretation. Hamilton endorses Monroe in the friendliest terms; Monroe became an enemy whose conduct is inexcusable for its baseness. To the description of the military situation, so clear and compressed, nothing in way of comment was needed. That was the system of headquarters. In his hint to Laurens on the Deane-Lee controversy he showed how he went straight to the heart of the question, stripping off the irrelevancies on which the great statesmen of Congress were wasting themselves and injuring the continent. With a lighter touch he turns to McHenry's epic and gives just enough to indicate its purpose, a ray of light on Washington's family. We know that Hamilton did not entertain a high opinion of McHenry as a poet, but then he wrote verses himself, and what he composed is no better than the lines of McHenry. Professional jealousy knows no brother — or sister, for that matter. In three pages we have a friend, a good reporter of the situation, and unusually penetrating comment on foreign relations, and finally a suggestion of ginx at headquarters. The letter is vivid and both youthful and mature — but wholly characteristic of the man. And it was a late discovery — an excuse for prosing in the manner of late discoverers.

MARCH MEETING.

THE stated meeting of the Society was held on Thursday, the twelfth instant, at three o'clock P.M. In the enforced absence of the President and Vice-President, Mr. NORCROSS was chosen to preside.

The record of the February meeting was read and approved.

The Librarian reported gifts from W. B. P. Weeks of a deed of Spectacle Island, 1680, and from Dr. Shattuck of account books of his father.

The Cabinet-Keeper reported gifts from Edwin D. Mead and the Owl Club, Cambridge.

The Corresponding Secretary reported that a letter had been received from Alfred Marston Tozzer accepting Resident Membership.

Calvin Coolidge, of Northampton, was elected a Resident Member.

Under the By-Laws the President appointed the following Committees in preparation for the Annual Meeting in April:

To nominate officers for the ensuing year: FRANCIS R. HART, WILLIAM C. ENDICOTT, and Dr. J. COLLINS WARREN.

To examine the Library and Cabinet: NATHAN MATTHEWS, CLARENCE S. BRIGHAM, and CHARLES H. MCILWAIN.

To examine the Treasurer's Accounts: HAROLD MURDOCK and GEORGE G. WOLKINS.

Dr. GEORGE FOOTE MOORE read a paper on "Jewish Organized Charities in Galilee in the Second Century."

General SCHAFF, by request, spoke on

GENERAL JAMES HARRISON WILSON.

It is not unreasonable to assume, for we all have written more or less, that every member of the Historical Society has tried his hand in depicting the character of an individual,

and you all know therefore from self-experience the difficulties of the task — a task calling like a good painting for such outline and coloring as will convey to and leave on the mind a vivid and, above all, a true impression. Consequently, I am sure of your appreciation of the uphill work that confronts me in attempting to portray a truthful — and as he was a warm boyhood and old-age friend — an impartial estimate of the late Major General James H. Wilson, whose career as a soldier, as you know, was brilliant and as an author, made wide by works of first-hand historic value.

His father, born in the Shenandoah Valley, Virginia, settled in southern Illinois at a very early day and served with Lincoln in the Black Hawk War. He, like Lincoln, was the outcome of his frontier, liberty-breathing surroundings, a man of force and local importance; so, when a vacancy at West Point occurred in his district, he secured an appointment for his son to the Military Academy. He entered in 1855, graduated 1860, standing sixth in a class that had several members, who, like himself, won fame in the Civil War. Among them, Wesley Merritt who commanded a brigade under Pleasonton and later a division under Sheridan; Horace Porter, the abundantly gifted, accomplished, facile, witty aide-de-camp to Grant, subsequently Ambassador to France and author of *Campaigning with Grant;* Ramseur, who rose to a division commander under Early and lost his life at Cedar Creek, a gentleman, born soldier, and Christian of manly, steadfast virtues; another, one of the finest types of breeding and winsome bearing I ever met, W. G. Jones, of Cincinnati, who fell in the Battle of Chickamauga — no field ever was flushed with blood of a higher toned or gallanter soldier.

On graduating, Wilson was assigned to the Topographical engineer corps and sent on duty in Oregon, and while there, a mere boy, wrote letters on the political situation that were truly remarkable for the foresight he had of the days to come. When war broke out, he was selected to go with the expedition for the capture of Fort Pulaski, there displaying the energy and skill which foreshadowed his future distinction. He then served for a while on the staff of that most disappointing child of fortune, McClellan, and then was

assigned to the staff of Grant, that modest, most successful soldier, wonderful for the combination in his being, of grandeur of genius with elements common to mankind.

It would be toilsome for me and tedious for you to follow Wilson henceforth out on to the fields where he won renown: they all are a part of his official West Point record and told in full. Suffice it to say that for his courage, mental force, tireless, contagious, and pervading energy he received numerous brevets for meritorious conduct and conspicuous personal gallantry, reaching the highest level of military rank before he was thirty years old. In spirit, readiness to laugh, and enjoyment of light-hearted companionship we may fairly say he was yet a boy when the stars of a major-generalship were on his shoulders. Dana writing to Stanton as to personal staff of Grant said of Wilson: "His leading idea is the idea of duty, and applies it vigorously and often impatiently to others. In consequence he is unpopular among all who like to live with little work. But he has remarkable talents and uncommon executive power and will be heard from hereafter."

Brilliant as were his services, the most enduring beam of his eventful military life does not come, however, from my point of view, from a display of abilities on the field, but rather from his relation with Grant and Rawlins, Grant's good angel. No history of Grant can be written or no estimate made of his personality and genius unless the personalities of Wilson and Rawlins throw in their revealing and stimulating light. The grounds of this seemingly dictatorial statement, let me say, are based on what Wilson, more than once, told me of the night he reported at Grant's headquarters.

Rawlins, tall and spare, with deep set resolute black eyes, was in his tent alone; Grant was off in Memphis with friends; Rawlins low in spirit, opened his heart to Wilson. They are all in their graves now; and what Wilson told me of what Rawlins, in his gloomy despair, told him of Grant's weaknesses shall lie, so far as I am concerned, with them in their graves.

Looking over the light and shadow variegated fields of human fortunes, there never was such a conjunction of genius

liable to temptation, and strong inflexible wills as those of Grant with Rawlins and Wilson. Since from this conjunction all three, Grant, Wilson and Rawlins, rise to an historic level of interest and revelation of character far above their military exploits, great and towering, as they were — and especially those of Grant — as I see them and weigh human achievement. Let me give as a background to this conjunction a few details of their official life, the campaign of Vicksburg, and some of the circumstances connected with it.

After months of futile heroic effort, Grant with a great army was before Vicksburg; behind him, notwithstanding his capture of Fort Donelson, was a vague conviction of bad habits and a doubt of his genius. If he failed in taking Vicksburg, he was gone. His friends Wilson and Rawlins realized the danger hanging over him; but, convinced of his latent, potent soldier gifts and won by his simplicity, modesty and sweetness, had made up their minds to see him through.

One day when he summoned Sherman, McPherson, Steele and others to a conference as to what should be done and they were examining the tongue of land fronting the bluffs of Vicksburg, Wilson and Rawlins sat down on a fallen cottonwood tree and there Wilson unfolded the plan of running by Vicksburg, making a landing on the East shore below, and then to the rear of Vicksburg.

Rawlins took in the plan, and at another conference, recommended it with all his earnest vehemence. Later, Grant made up his mind to adopt the plan, and, with that courage which never could be daunted, carried it out and forced Pemberton back into his works. It is only fair to Grant to say that he meant without talking about it, to do just what he did in the end.

One day while the siege was going on, Grant was beset by his friends and yielded to his weaknesses (see account of it in the Recollections of Charles A. Dana, Assistant Secretary of War, who was present). Then Rawlins wrote him a letter, filled with affection. Wilson saw it and approved it. A better letter never came from one friend to another.

Grant never referred to this letter: he knew it came from the depths of Rawlins' heart.

Wilson's life thenceforth through promotions which Grant

got for him was filled, first with the spirited and glowing activities of Sheridan's cavalry; then in command of Thomas' cavalry, and finally in command of the largest mounted force in the war, which swung from the Tennessee to Selma, thence to Macon, a detachment of his command capturing Jefferson Davis. With the Spanish War and invasion of China his military life ended.

When the war was over he with Charles A. Dana, wrote a Life of Grant, just preceding his first nomination for the Presidency, and in it there is the truest and fairest estimate of that great soldier that I know of. Wilson later wrote the life of his talented, but over-critical friend, Farrar Smith; contributed articles to the *North American Review;* then wrote *Under Two Flags,* and the *Life of Rawlins.* In regard to the latter there is something worth telling because it shows the kind of man Wilson was.

Rawlins, when he was dying, sent word to Wilson that he wanted to see him. Wilson set out at once to cover the one thousand miles that lay between him and his old army friend. Arriving at his dying bedside, what Rawlins asked was: that Wilson should write his life.

And now, out of consideration of time, place and your patience, we must leave him.

I have touched on but one of his great services, the one that to me was his greatest; and entitled to commemoration. With it I wish I could give his natural heartiness, gaiety, good companionship and un-selfconsciousness. He had no affectations, no subserviency of manner or speech to any living being; hearty was his voice and warm his hand.

Finally: let me hope that I leave no detracting impression of Grant, to whom more than anyone in the army our country owes its deepest affection and gratitude; moreover he was one of our sweetest, the most indomitable and most magnanimous of our national characters. Here in him, Rawlins and Wilson, we have striking examples of our common human nature with its weaknesses and its glories; and in their light, how weak, shallow and out of place seems panegyric; the pen is called on from the heights of true biography and ideal to rise above it. Our country can give brevets and monuments, and the heart approves, for it loves a courageous

man; but in its own silence, I am inclined to think, weaves its greenest wreath to the man who out of generous impulse helps his fellow man; therefore I believe it wove one for this friend of my youth and old age, Wilson.

NOTES ON CHARLES FRANCIS ADAMS

Mr. NORCROSS then read as follows:

In the *Autobiography of Charles Francis Adams,* page 42, he wrote: "This must have been somewhere in 1858. Anyhow, I at once left Dana and Parker, taking with me not much law but many pleasant memories; and I have often since, with some sense of humiliation, tried to imagine what the keen-sighted, incisive Parker thought of me and my proceedings. I would even now like to know, for in my whole life I have since met no man who saw into the true inwardness of persons and things as it was given to Francis E. Parker to see. I was not cast for a lawyer; and I rather imagine Parker fully took the fact in."

I recently found among my father's papers, two letters written in 1869 to him, then a member of the Governor's Council, in support of the appointment of Mr. Adams as a member of the first Board of Railroad Commissioners, on which Mr. Adams served with marked success for ten years. One letter is from Clement Hugh Hill, a member of this Society from 1882 to 1898, and the other from Francis E. Parker, above mentioned, a member from 1863 to 1886; for whom my father had the highest regard.

CLEMENT HUGH HILL TO OTIS NORCROSS

City Solicitor's Office, 2 Pemberton Square,
BOSTON, June 21, [1869].

My dear Sir, — Now that a bill has passed creating a Board of Railroad Commissioners, I am anxious that the qualifications of Mr. Charles Francis Adams, Jr. for the place should be brought before His Excellency and the Council. Mr. Adams as you know, has paid great attention to this whole subject of railroads and takes great interest in it; and I believe drafted the act creating the Board. The compensation has no attractions to him, but he

I know would like the employment, and from the broad views which he takes of the subject as displayed in the articles he has prepared and published, I think that his appointment will be very serviceable to the City and the State. I remain, My dear Sir, Ever Yours Truly,

C. H. Hill.

Francis E. Parker to Otis Norcross

Private.

42 Court St.,
24 June, 1869.

Dear Sir, — I am informed that Col. C. F. Adams, Junr., is a candidate for one of the three places as Railroad Commissioner; and I take the liberty to say to you (as I presume that you do not personally know him) what occurs to me in his favor.

He has industry, and is absolutely honest, and he proposes to make what is called "railroading" his business for life. In addition to this, he is a man of general intelligence, and has a good style in writing on business matters. He is, also, a good age — thirty four.

Knowing him, as I do, very well, I will say that, if I were Governor, I should not appoint *three* Commissioners like Col. Adams. But if there are two men of sound practical judgment, and acquaintance with the subject, on the Commission, I think they would find Col. Adams of great use, and that he would make a good third. Yrs. respectfully,

F. E. Parker.

The Dalton Papers

Mr. Henry R. Dalton, of Boston, has given to the Society three volumes of Dalton Papers and one volume of the *Boston Gazette* for 1804. The documents, selections from what must have been a large mass of records, cover a long period of time and in a manner quite unusual, bearing upon many phases of provincial and commonwealth history. The earliest in date — June 14, 1723 — relates to the Spaulding property in Chelmsford, the passage of which to the Dalton family is told by deeds and wills. Military commissions from Shirley; the last precept of a royal governor to elect a member of the General Court in 1774; communications on the Boston donations in that year; the Committee of Corre-

spondence of Chelmsford and the Provincial Congress of 1775; various commissions from the Council and late governors of Massachusetts; papers of Peter Roe Dalton in the War of Independence, with broadsides of that period; insurance policies; lottery tickets and business notices; the War of Secession and Confederate money — such are some of the subjects covered by the collection, illustrating the social and political history of almost a century and a half. The papers form a fitting introduction to the "Dalton Letters, 1861–1865," printed in *Proceedings*, LVI. 354.

TYNDALL'S MAP OF VIRGINIA

Mr. FORD showed a reproduction of Robert Tyndall's Draughte of Virginia, 1608, and said:

The original of this map on parchment is in the British Museum and has been known only through a rather poorly made tracing in Brown's *Genesis of the United States*, I. 150. Tyndall went to Virginia in December, 1606, and remained there until 1609, when he returned to England; but he made two voyages later and in June, 1611, sailed from Virginia and became lost to record. He accompanied Captain John Smith in his first explorations of Virginia and, having some skill as a platform maker, he prepared this map in the second year of settlement. Its exact purpose has not been found in any letter of the day, but it must have been intended to accompany one of the official narratives by which the leaders of the plantation kept the company in London informed of their progress and discoveries. Brown conjectures that it was prepared to accompany the "Large Journal of Newport's Journie to Werowocomoco." In King James his River we have the James and in Prince Henneri his River the York. Beyond these two rivers the Jamestown party had not penetrated.

The map is the second map of Virginia prepared by an Englishman, and may really be counted as the first. For John White's map of Virginia, made in the Ralegh colony of Roanoke, 1587, and engraved by De Bry for the first part of his famous relations, represents North Carolina. Virginia appears as an accident. Tyndall's "Draughte" deserves to

TYNDALL'S DRAUGHTE OF VIRGINIA 1608

From the original in the British Museum

be known as the second map made in an English plantation on the continent of North America and as the first map of Virginia. As to its historical importance two points may be given. Brown calls attention to the fact that Werowocomoco, "strangely enough, still bears its old name of 'Poetan' (*i.e.* Portan) Bay, although it has been frequently, if not always, located elsewhere." Mr. Swem, librarian of the College of William and Mary, found in the map assurance of the manner in which Jamestown "island" was connected with the mainland. The river has in three centuries played havoc with the island and raised doubts of the true outline of the original territory occupied. It may also be seen that the maker of the tracing for Brown overlooked the location of the rocks at the head of James River, an important matter, for the South Sea was still supposed to exist a day's journey or more to the west of that point. Finally, the beauty of the original drawing is evident and adds greatly to the interest attaching to the "Draughte." The original is 2 feet 8 inches by 1 foot 6 inches, and formed an item in the Cottonian manuscripts. Nothing is known of its history. The reproduction was made by the Oxford University Press.

In this connection I wish to call attention to an early tract on Virginia known as *A true Relation of such Occurrences and accidents of noate as hath happened in Virginia since the first planting of that Collony, . . . London, Printed for John Tappe, and are to be solde at the Greyhound in Paules-Church yard, by W. W.* 1608. This tract of news was issued with four variant title-pages, the variation being on the authorship, as follows: (1) "Written by a Gentleman of the said Collony, to a worshipfull friend of his in England;" (2) "Written by Th. Watson. Gent. one of the said Collony, to a" (*as above*); (3) "Written by Captaine Smith Coronell of the said Collony, to a" (*as above*); and (4) "Written by Captaine Smith one of the said Collony, to a" (*as above*). The text of the tract is identical in each instance, and has the prefatory letter signed "I. H.," explaining the error in attributing the writing to Watson and expressly asserting that Captain Smith, "one of the Counsell there in Virginia," was the author. This seems to explain the odd word on the title of the third issue — "Coro-

nell." It was a misreading for "Counsel" or some form of Council, for there is no authority for applying Colonel to Smith. There was a Thomas Watson for whom Sir George Carey asked burgess-ship from the authorities of Totness in 1601. Later he was a teller of the exchequer and in 1612 was a member of the Council for the Virginia Company of London, as also of the North West Passage Company. One of the name was in the Parliament of 1614 from Rye, and a Thomas Watson was knighted at Halstead, June 25, 1618, as of Kent.[1] Setting aside the possibility that these are not one and the same, it is certain that Thomas Watson was one of the incorporators of the Virginia Company under the second charter of 1609, subscribed a double portion for supply of the plantation in Virginia in 1611, and was mentioned in the third charter of 1612.[2] There is nothing to show that he ever went to Virginia and I interpret the words "of the said Collony" as indicating that the writer of the *Relation* was in the colony at the time of writing. I see no reason why Watson should not have been the person to whom the *Relation* was addressed. If he were a burgess or a member of a town or company council, the term "worshipfull," especially from one seeking favor, would apply, and Totness was in Devonshire, a county closely interested in colonization at that time. By a natural confusion the printer, who was, as usual, blamed for the error, took the name of the person to whom the letter was addressed as that of the author. Such an explanation makes the Watson title the first issue of the tract, instead of the anonymous "By a Gentleman," as has been usually accepted.

The writer of the prefatory letter — I. H. — may have been John Healey, a hack employed by printers for translating, writing prefaces and in other useful functions. No work of his earlier than 1609 is mentioned in the *Dictionary of National Biography,* and as he died in 1610 his connection with the printers must have begun before 1609. If he was the person thus identified, he edited the *True Relation* for the printer, receiving it "at the second or third hand." He was, as is still the practice with editors, unwilling to assume the responsibility for the confusion over Watson as the author.

[1] Brown, *Genesis,* II. 1043. [2] Brown, *Genesis,* I. 214, 467; II. 549.

W. W. in the imprint was William Welby, who became the recognized publisher for the Virginia Company.

Mr. Eames tells me that three of the issues are in the New York Public Library. Of the Watson issue there are two copies in this country, one in the New York Historical Society and one in the Henry E. Huntington Library.

The *True Relation* was written after Smith and Newport had explored the James (Powhatan) and Chickahominy rivers and after Smith had been carried by his Indian captors across country to the Mattapament, which he made a branch of the James, the Topahanocke, the Payankatank and finally to Werowocomoco, where the Indian chief resided. No suggestion is contained in the tract of a map, either intended or in process of making, though this is not necessarily conclusive on the point, as the editor, I. H., admits that "somewhat more was by him [Smith] written, which being as I thought (fit to be private) I would not adventure to make it publicke." In the jealousies then existing among nations on plantations in America the suppression of a map might be defensible — even expedient. The main point however is that by 1608 explorations had been made and all the names of Indian towns in the *True Relation* appear on the Smith map of 1612, and very much as his text located them.

Petition of Peter Butler.

To his Highnes (by the especiall providence of God) Lord Protector of the Comonwealth of England Scotland Ireland .|. &c. .|.

The humble Peticon of Peter Butler of Boston in New England Marr'r. Humbly Sheweth

That your Poore pet'r having in July 1653. supplicated the r[igh]t hon[ora]ble the Councell of State, then being about his great losses susteined by the Spaniards at St. Domingo, in Hispaniola; about 30 month since they were pleased to order the Judges of the Admiralty to heare and report the Cause vnto them, upon reading of which report, (a copie whereof is here unto annexed) it was Ordered by the right hon[ora]ble the Councell of State, (the order bearing date September the third) that the case be recomended to the Lord Ambassador of the King of Spaine, who refusing to giue satisfaction to your poore pet[itione]r he did peti-

tion the right hon[ora]ble the Councill of State That much time being elapsed and no satisfaction obtained they would be pleased to desire the said Lord Ambassadors answear in the case, and accordingly they were pleased to order (the order bearing date November the 10th) that Sr Oliver Flemin doe repair to the Lord Ambassador aforesaid and desire his answear to the Councill's Letter, formerly written in Order to the obtaining of Justice on the Pet[itioner]rs behalfe, The answear returned from the Lord Ambassador was that he would send to the Court of Spaine to know the truth of the Case, which he tould your pet[ione]r before he peticoned the Councill of State, with which answear he being delayed was necessitated for a subsistance to depart this Nation, without any satisfacon for his barbarous usage and great losses.

The premises considered

These are humbly to supplycate and beseech your Highnes (a concurring providence having made way for satisfaccon in New England by certain goods taken from the Spaniards and now in the hands of Mr. John Endicott, late Governor of Boston,) That your Highnes be pleased to order the said Mr. Endicott to deliver vnto your pet[itione]r or his assignees so much of the goods, or money (if the goods be converted) as shall sattisfy his losse, or (if your Highnes shall thinke fitt) to satisfy his said losse in the West Indias where he suffered, or a Commission of reprizall. And your Pet[ione]r shall pray &c.

PETER BUTLER

WHITE HALL. July 26. 1655. His Highness pleaseth to referre this petition to the Consideration and order of the Commisioners for the Admiralty.

NATH. BACON.

Entred.

[Endorsed:] The Petition of Peter Butler. A ship seised uppon at Domingo.

Goods in Capt. Endicots hands in N E or by Reprisall in W. Indies.

11 Aug: 1655. The Com[missione]rs can doe no thing here but if the pet[itione]r make out the matter of fact, they will if he please report that he may have letters of Reprizall in America.

ANNUAL MEETING, APRIL, 1925.

The Annual Meeting of the Society was held in the Dowse Library on Thursday, April 9, 1925, at 3 P.M. On account of the serious illness of President LORD and the absence of Vice-President HASKINS, Mr. NORCROSS was chosen to preside over the meeting.

The record of the March meeting was read and approved.

The Librarian reported gifts from Julius R. Wakefield, of Dedham, a collection of sermons by his great-great-grandfather Rev. John Lathrop, Minister of the Second Church, Boston, from 1767 to 1815; and from Justice Oliver Wendell Holmes, papers of his grandfather, Abiel Holmes, relating chiefly to his publication of American Annals, and to the matter of the Presidency of Harvard College, 1707.

The Corresponding Secretary reported that a letter had been received from President Calvin Coolidge accepting resident membership.

He also read a letter from our associate, Charles Warren, describing the farewell dinner in Washington to Ambassador Jusserand, which he had attended as the representative of this Society.

The Chair announced the death on April 1 of our associate, Zachary Taylor Hollingsworth, spoke of his connection with the Society and called upon Mr. Kellen, who paid a tribute, which will appear later.

The Society then proceeded with the business of the annual meeting.

In the absence of Mr. FRANCIS R. HART Mr. FORD read the

REPORT OF THE COUNCIL.

In the death of Henry Cabot Lodge, its ninth President, the Society lost one who had gained a distinguished reputation in letters and in public life. Prevented by his other

duties from attending our meetings, he showed a constant and growing interest in its activities and welfare and contributed to its collections. Had he enjoyed leisure, such as his predecessor in office, Robert C. Winthrop, had, he would have carried on the best traditions of the Society.

The Society has again given a practical example of its conviction that manuscripts of an official and undeniably public nature should be placed where they would naturally first be sought. It restored to the Papers of the Continental Congress in the Library of Congress six volumes generally known as the John Hancock Letter-Books, really the first five letter-books of the President of the Continental Congress and the journal of the Congress of 1774. Hancock, as was the practice of the day, looked upon them as his private property; in replacing them in their natural connection the records of the Continental Congress are to that extent made more complete. Due acknowledgment was made and in the annual report of the Librarian Mr. Charles Moore, chief of the Manuscript Division, mentioning also the Society's return of the Jonathan Trumbull manuscripts, says: "That the Massachusetts Historical Society of its own motion has established for itself a policy of distribution so enlightened must win for that institution the additional regard and esteem of historical scholars." We accept the compliment, but firm in our belief that the distribution was fully justified, we also hoped and still hope to influence other institutions to recognize in the same manner the proper claims of origin and localizing of public records.

In the year 1924–25 three volumes of publications were issued — volume 57 of the *Proceedings,* volume 73 of the *Collections,* the second part of the Warren-Adams Letters, thus closing the gap left in the series for that volume, and volume 6 of the Journals of the House of Representatives of Massachusetts, covering the sessions of the General Courts of 1724 and 1725. The coming year will bring the first volume of the Winthrop Papers, the seventh of the Journals, and the fifty-eighth of the *Proceedings.* The Letters of William Hickling Prescott, one-time member of the Society, edited by Roger Wolcott, will also be printed under the direction of the Society. A second volume of Winthrop

Papers will be under way and the letters which passed between John Codman Ropes and John Chipman Gray during the War of Secession, now being edited for publication, may also appear within the year. The mere mention of the names of the writers suggests their significance as a contribution to the literature of that subject.

In two directions the Society has entered upon fields of search hitherto not treated by it or by others in an orderly manner. The subject of world maps has been thoroughly exploited in connection with the expansion of Europe after the great voyages and discoveries of the fifteenth and sixteenth centuries. Only at rare intervals does a new map come to light for that period and with comparative ease it is identified and placed in its true relation to like charts. Decades passed before plans or charts of the restricted regions, which afterwards became the States of our Union, began to appear. They are found in the tracts of the time, intended to record the novelties of the place and to serve as invitations or encouragement to migration, or as separate issues, either in connection with intended settlements or as marking the regular development of geographical knowledge. These tracts and maps, and even contemporary atlases are as a rule rare, and few places or collections in this country offer an opportunity for an extended comparative study. How the geographer recorded the growing knowledge of the details of New England, for example, is an interesting subject; but the material wanted to satisfy its requirements must be sought in many widely separated places. Details cannot be fixed in the mind or eye and the gradual changes and slow disappearance of the vacant spaces represented in the first platforms offer a problem which can best be solved by an intensive study of the maps. This is possible only by having the whole series spread in sequence under the eye of the investigator. The Society has made a beginning to render this possible, and is obtaining a reproduction of every map which will show how from a vague and incorrect coast-line the North American continent has emerged and unfolded into colonies and states. It is proposed first to cover the thirteen colonies, Canada and the West Indies, and later to carry the collection further as necessity or convenience calls.

In this connection may be mentioned the Society's reproduction of Tyndall's "draughte of Virginia, 1608," from the original in the British Museum. Other manuscript maps exist and some are known imperfectly through careless tracings or indifferent photographs, in black and white instead of in colors, and in forms which not only give little idea of the real character of the drawing but actually mislead by distortion or imperfections. The few copies of the Tyndall map distributed to geographical societies, or to those who by study were competent to express a judgment, have called out opinions eloquent on the great gain in having an exact reproduction, differing from the original only in size. Geography and history are so intimately connected that the Society can accomplish much by producing other unique maps of the seventeenth century.

The second field to be entered offers equal promise of results of historical consequence. The contents of the Public Record Office, London, so far as they relate to America and the West Indies, have been calendared to 1711, and these lists and summaries of contents have served as useful guides to investigation. They prove deficient — the disadvantage is inherent in any printed calendar — in not offering the writing of the document or giving a clue to the actual writer, when not established in the document itself. That question often proves of the greatest importance, carrying a meaning or explanation of the origin of the paper not to be discovered by any other agency. The signature or signatures may indicate the willing rather than the actual agent, the official signing in routine duty rather than the efficient and really responsible party. A knowledge of his agency may give a wholly new aspect to the document, showing an influence not suspected or recognized and casting a new light upon persons and movements where the actor preferred to remain in obscurity and play a part through others. When Colonel Banks suggests that the few lines in Gorges' plea for a governor of New England in 1635 are in the writing of Thomas Morton of Merry Mount, he gives a good illustration of what is accomplished by a study of the writing of documents. A connection between Gorges and Morton was known; this active participation in the protest offers a better understanding of the connection.

Many of the papers from New England in those early records are petitions and memorials, signed at times by as many as forty individuals and containing matter of which the Calendar gives only a brief and misleading summary and without the names of the signers. Anonymous reports on public occurrences in New England, or volunteered charges, also unsigned, against the acts and policies of the magistrates, may acquire a quite different standing when the writing is identified, which can more easily be done here, where the paper originated, than in London. With such possibilities in view the Society will obtain reproductions of important New England documents in full and gradually accumulate a mass of records, as good as the originals for purposes of research, and greatly increasing the opportunities for that close and expert study by which alone finality can be attained. The plan is framed on the broadest scale and will not be confined to New England material.

The Society in this month completes ten full years of a photostat under professional operation. Begun as an experiment and with purpose to add to the Society's collections what was useful to its own undertakings, the instrument has found a much wider application and has proved of great service in many directions. In another place will be given a full account of what has been accomplished in the decade, a record of achievement notable in itself and more notable in its widening scope. In the ten years more than 220,000 prints have been made at a cost of $45,000, and the returns have been about $46,000 in the same period. What the material has brought to the Society in the shape of reproductions, and thus contributed to its usefulness, can be measured neither by number nor by money value. By strengthening our collections where they were weakest and by liberal assistance to others, the photostat has transformed an experiment into a necessity.

The more important product of the past twelve months is the years 1758 and 1759 of the *Boston News-Letter,* completing fifty-five years of that journal; the completion of the issue of North Carolina newspapers before 1800; the records of the Old South Church, Boston; and a large number of prints for other parties and institutions.

In the early Americana series twenty-four volumes have

been sent to the ten libraries united in the enterprise. Among them may be mentioned: two unique broadsides issued by the Council for Virginia in 1611; Greepe's *True and Perfect Newes,* 1587, which was recently offered by Quaritch for £1500; William Penn's *Brief Account of Pennsylvania,* with the first engraved map of Pennsylvania, 1681; the unique Dati from the Biblioteca Colombina, Seville; the unique Cartier (*Brief Recit,* Paris, 1545) in the British Museum; Albenino, Relacion, 1604; John Davis, *Worldes Hydrographicall,* 1595; two unique issues on French colonizing in North America, 1651, from the Bibliothèque Nationale; and a series of five Portuguese tracts on the French and Indian War in America. There is no evidence of a wish on the part of any of the ten members to shorten or to suspend the series. Rarities, true rarities, are being located and brought within the reach of such as need them, a function made active by the systematic methods adopted.

In copying by photostat the files of North Carolina newspapers printed before 1800 a strong impression was given of the rarity of the issues and of the gain to investigation in bringing together the scattered fragments. Entire years of journals had completely disappeared and in few cases could a file for a continuous period of three or four years be had. Yet in their sadly broken condition the newspapers did make a positive contribution to history and the duplication has certainly rendered further loss and destruction impossible. What has thus been distributed to eight libraries is being and will be in the future further added to as new issues come to light and a body of North Carolina and Southern material before unknown and inaccessible will become available.

With that experience in mind a proposal to apply the same methods to the *Virginia Gazettes* printed before 1780 was made to Mr. Fairfax Harrison, whose admirable work in the history of early Virginia has established his interest and authority in that subject. Without hesitation he entered into the project and joined with him Mr. Henry W. Anderson and Mr. John Stewart Bryan of Richmond, thus assuring the venture. The *Virginia Gazette,* begun in 1736, long held a high reputation among colonial newspapers for its literary quality and political discussions, and this reputation gave it

claims for consideration as a source of history second to none. It is among the rarest of newspapers and the gaps can never be filled; but this only makes more desirable the preservation of what remains. The first years are now being printed by the Society's photostat, and in course of time the entire series will be carried to completion.

The Society takes another step forward in its photostat work by purchasing a duplex machine, one that prints on both sides of a sheet. The saving in space thus accomplished must prove a boon to our overcrowded shelves and the resulting prints will be even nearer the original than they could be under the older method of using only one side of the sheet. The cost of the new machine offered difficulty, but advantage was taken of the reproduction of the *New-England Courant,* published by James and Benjamin Franklin in 1721 to 1726, of which the Society owns the only known file. The rule of looking for no profit was suspended in this instance and the number of copies sold will pay the cost of the new installation. In a sense this machine comes as a gift from the Franklin brothers quite as directly as if they were present with us today. The Society thus keeps pace with the latest improvements in process of reproduction and intends to maintain the high standard of its photostatic product.

The situation of the Society in its need of space for its collections remains unchanged, and no half measures will enable it to overcome the obstructing inconveniences. Those inconveniences are steadily increasing because the many advantages the Society offers attract manuscript or printed records on New England history, and the flow of such records into it should not be checked or discouraged. Yet even those most willing to give or deposit their collections might hesitate when it comes to a question of housing what they give. To bury in vaults or store on inaccessible shelves is suited neither to the uses nor to the dignity of the Society. The need for the proposed addition to the building grows more pressing each year and until it is met there is certain to exist a sense of disappointment and a resort to makeshifts at once costly, temporary and ineffective. With larger responsibilities the Society counts upon a larger support that will enable it to meet them.

Mr. FORBES submitted the

REPORT OF THE TREASURER.

In compliance with the requirements of the By-laws, Chapter VII, article 2, the Treasurer respectfully submits his Annual Report made up to April 1st, 1925.

The Special funds now held by the Treasurer are thirty-five, this being the same number reported last year. A list of these funds, with the income and expenditure of each, appears in Exhibit V in this report. There was added to the principal of the Adams Fund $884.70 from the sale of Publications; also there was a gift of $75.00, from Mrs. C. H. Joy. A bequest of $2000.00 was received from Elizabeth Winthrop and was added to the R. C. Winthrop Fund. A list of the securities now on hand follows and shows:

	Par Value	*Cost*
Bonds	$435,000.00	$427,123.66
Stocks	202,700.00	219,163.50

represented by Investment Account, $646,287.16. There were also balances in Savings Bank Books totalling $2,031.37.

There seems to be little of special interest to report concerning the past year. Our investment list was scanned carefully from time to time with a view to keeping our holdings in a sound financial condition. Changes were made when it was deemed to be advisable but transactions were comparatively few.

The Building Fund was increased by a donation of $1000.00 from Mr. R. G. Shaw. Maturing short term notes in this Fund were replaced by a similar class of investments.

All purchases and sales were made with the approval of one or more of the Finance Committee. The co-operation of the members of this Committee has been gratifying to your Treasurer.

ALLAN FORBES, *Treasurer.*

INVESTMENTS

Schedule of Bonds

American Sugar Refining Co.	6%	1937	$15,000.00
American Tel. & Tel. Co.	4	1929	10,000.00
Atchison, Topeka & Santa Fé R. R.	4	1995 ADJ	9,000.00
Baltimore & Ohio R. R. Co.	4	1959	3,000.00
Bangor & Aroostook R. R. Co.	4	1959	10,000.00
Belgium, Kingdom of	7½	1945	9,000.00
Blackstone Valley Gas & Elec. Co.	5	1939	10,000.00
Boston & Albany R. R. Co.	5	1938	10,000.00
Boston & Maine R. R. Co. Registered	4½	1944	6,000.00
Boston Elevated Railway Co.	5	1942	8,000.00
Central Maine Power Co.	7	1941	10,000.00
Chicago Jct. & Union Stock Yards	5	1940	10,000.00
Cleveland Short Line	4½	1961	10,000.00
Columbus Elec. & Pr. Co.	5	1927	5,000.00
Connecticut Power Co.	5	1963	10,000.00
Connecticut Light & Power Co.	7	1951	9,000.00
Consolidated Gas, Elec. Lt. & Power Co., Baltimore	6	1949	10,000.00
Dedham Water Co.	5	1935	5,000.00
Denmark, Kingdom of	6	1942	10,000.00
Detroit Edison Co.	5	1933	10,000.00
Duquesne Light Co.	6	1949	10,000.00
Fitchburg R. R. Co.	4	1927	9,000.00
Home Tel. & Tel. Co.	5	1936	20,000.00
Kansas City, Clinton & Springfield R. R.	5	1925	3,000.00
Long Island R. R. Co.	4	1949	6,000.00
Massachusetts Lighting Cos.	7	1930	10,000.00
New England Tel. & Tel. Co.	5	1932	10,000.00
New York Central & Hudson River R. R.	4	1934	15,000.00
New York Central Lines	5	1935	5,000.00
New York Central Lines	5	1936	5,000.00
Old Colony Gas Co.	5	1931	5,000.00
Oregon Short Line R. R. Co.	5	1946	10,000.00
Pacific Gas & Elec. 1st & Ref.	5½	1952	10,000.00
Pacific Tel. & Tel. Co.	5	1937	10,000.00
Père Marquette R. R.	5	1956	15,000.00
Père Marquette R. R.	4	1956	2,000.00
Railway & Light Securities Co.	5	1946	5,000.00
Rio Grande Western R. R. Co.	4	1939	5,000.00
Seattle Electric Co.	5	1929	5,000.00
Shawinigan Water & Power Co.	6	1950	12,000.00
Southern California Edison Co.	6	1944	10,000.00
United Elec. Securities Co.	5	1936,'39,'40,'42	24,000.00
United States Steel Corporation	5	1963	10,000.00
Western Tel. & Tel. Co.	5	1932	10,000.00
Western Union Tel. Co.	5	1938	10,000.00
Wilmington City Electric Co.	5	1951	5,000.00
Winnipeg, City of	6	1946	15,000.00
		Par value	$435,000.00

SCHEDULE OF STOCKS

American Glue Co. Com.	25	SHS.	$2,500.00
American Smelting & Refining Co. Pfd.	75	"	7,500.00
American Sugar Refining Co. Pfd.	50	"	5,000.00
American Tel. & Tel. Co.	60	"	6,000.00
Atchison, Topeka & Santa Fé R. R. Pfd.	158	"	15,800.00
Boston & Albany R. R. Co.	35	"	3,500.00
Boston & Maine R. R. Class A	25	"	2,500.00
Boston Real Estate Trust	6	"	6,000.00
Boston Wharf Co.	125	"	12,500.00
Chicago Jct. & Union Stock Yards. Pfd.	150	"	15,000.00
Cincinnati Gas & Electric Co.	10	"	1,000.00
Consolidated Gas, Electric Lt. & Power, Balt.	50	"	5,000.00
Duquesne Light & Water 7% 1st Pfd.	30	"	3,000.00
Electric Bond & Share Co. Pfd.	50	"	5,000.00
Kansas City Stock Yards Co. Pfd.	302	"	30,200.00
Merchants National Bank of Boston	85	"	8,500.00
National Shawmut Bank of Boston	50	"	5,000.00
Old Colony R. R. Co.	25	"	2,500.00
Pacific Mills	400	"	40,000.00
Puget Sound Light & Power Co. Pfd.	52	"	5,200.00
" " " " " " Common.	5	"	500.00
" " " " " " P. Pfd.	10	"	1,000.00
Second National Bank of Boston	50	"	5,000.00
State Street Exchange of Boston	5	"	500.00
United Fruit Co.	100	"	10,000.00
Western Union Telegraph Co.	40	"	4,000.00
Par value	1973	"	$202,700.00

SCHEDULE OF SAVINGS BANK BOOKS

M. A. Parker Fund (Provident)	$1,786.40
Brattle St. Church Model Fund (Five Cent)	244.97
	$2,031.37

RECAPITULATION

Bonds, par value	$435,000.00
Stocks, par value	202,700.00
Savings Bank Books	2,031.37
	$639,731.37

BALANCE SHEET, MARCH 31, 1925

Cash	$4,534.69	Funds	$564,059.61
Investment Account	646,287.16	Accrued Interest	88,793.61
Savings Bank Books	2,031.37	Building Fund	29,629.17
Building Fund:			
Cash	696.37		
Investment	28,932.80		
	$682,482.39		$682,482.39

BUILDING FUND

Balance Cash, March 31, 1924		$1,106.96
Received from Subscriptions		1,000.00
Received from Interest		1,633.31
Securities sold or matured:		
Province of British Columbia 5%	$4,000.00	
Edison Electric Co., Notes	6,000.00	
Lehigh Power Securities, 6%	1,010.00	11,010.00
		$14,750.27
Securities bought:		
$1,000 Penn-Ohio Edison, 6½%, 1927	$995.00	
2,000 Detroit, Ypsilanti, Ann Arbor and Jackson Railway, 5%, 1926	1,997.00	
2,000 Standard Milling Co., 6%, 1927	2,037.00	
1,000 Columbus Electric and Power Co., 5%, 1927	992.50	
8,000 Edison Electric Illuminating Co. of Boston, 4½%, 1928	7,950.80	
	$13,972.30	
Accrued interest on securities bought and collection charges	81.60	14,053.90
Cash on hand, March 31, 1925		$696.37

EXHIBIT I

INVESTMENT ACCOUNT

Balance Account, March 31, 1924		$580,381.36
Securities, etc. purchased:		
$10,000 Pacific Gas & Electric, 5½%, 1952	$9,800.00	
125 shares Boston Wharf Co.	13,800.00	
40 shares Western Union Telegraph Co.	4,657.50	
30 shares Duquesne Light and Water Co., 7% Pfd.	3,221.25	
5 shares Columbus Electric & Power	4,962.50	
American Tel. & Tel. Rights acquired		36,441.25
		$616,822.61
Less Securities matured or sold:		
$10,000 American Agr. Chem. Co., 7½%	$8,485.00	
2,000 Province of British Columbia, 5%	2,000.00	
1,000 United Electric Securities, 5%	1,030.00	
10,000 Toronto Harbor Commission, 4½%	9,322.50	
2,000 Plymouth Electric Light Co., 5%	2,000.00	
3,000 Hartford Electric Light Co., 7%	3,075.00	
American Tel. & Tel. Rights	176.76	26,089.26
		$590,733.35
Less Savings Bank Books included in above		1,281.58
		$589,451.77
Adjustment to restore to cost		56,835.39
Balance, March 31, 1925		$646,287.16

EXHIBIT II

INCREASE OF FUNDS IN THE YEAR 1924–1925

Total of Funds, April 1, 1924		$544,711.10
Added during year:		
Centenary Funds:		
Anonymous Fund	$1,260.25	
J. L. Sibley Fund	14,545.56	
R. C. Winthrop	2,000.00	
Adams Fund	884.70	
General Fund	626.50	
Mass. Historical Trust	31.50	19,348.51
		$564,059.61

EXHIBIT III

ACCUMULATED INCOME OF FUNDS

Balance Accumulated Income, April 1, 1924		$39,703.09
Income during the year		47,898.84
		$87,601.93
Added to Principal Centenary Funds	$15,805.81	
Expenditures during year	39,837.90	55,643.71
		$31,958.22
Gain on Sales of Securities[1]		56,835.39
Balance, March 31, 1925		$88,793.61

[1] As of March 31, 1925, the Investment account was adjusted to equal the cost of the securities then held, and the difference, $56,835.39, representing gains on securities over a long period, was distributed to the Centenary Funds and to the income accounts of the other funds (except the Savings Bank Books), on the basis of the percentages of the individual funds to the total funds at March 31, 1924.

EXHIBIT IV

INCOME ACCOUNT

Receipts during year:		
Publications	$1,912.60	
Photostats	7,810.84	
Gift of W. B. H. Dowse	1,200.00	
Rebates	165.01	
Credited to General Fund income		$11,088.45
Income from investments	$36,293.56	
Less accrued interest on securities bought	472.51	
	$35,821.05	
Interest on bank balances	155.55	
Gift of Mrs. C. H. Joy	75.00	
Sale of House Journals (Dowse fund)	9.00	
Credited to various Funds' income		36,060.60
		$47,149.05
Interest on Savings Bank Books:		
current year	$88.39	
prior years	$661.40	749.79
		$47,898.84

EXPENSE ACCOUNT

Bindery	$1,376.45	
Binding	169.00	
Books and Manuscripts	3,062.74	$4,608.19
Building:		
Cleaning	$639.24	
Engineer	1,538.65	
Fuel	915.00	
Furniture and Shelving	1,864.10	
Insurance	108.64	
Light	542.09	
Repairs	2,475.40	
Telephone	139.48	
Water	82.83	8,305.43
Photostat:		
Salary	$2,100.00	
Paper	2,291.25	
Developers, etc.	421.66	
Negatives	627.20	
Binding	558.85	5,998.96
Portraits and Medals		1,551.50
Postage		170.74
Printing:		
Proceedings, vol. 57	$1,869.22	
" " 58	614.74	
Illustrations	585.06	
Winthrop Papers	164.00	
Miscellaneous	77.00	3,310.02
Salaries:		
Librarian and assistants	$6,480.00	
Editor and assistant	7,560.00	14,040.00
Stationery		144.71
Treasurer's Office:		
Bond	$25.00	
Bookkeeper	1,000.00	
Safe Deposit Vault	60.00	1,085.00
Miscellaneous		623.35
Total Expenses		$39,837.90

RECEIPTS

Income (less Savings Bank Books)		$47,149.05
Securities sold or matured		26,089.26
		$73,238.31
Royalties:		
Adams Fund	$863.10	
General Fund	610.29	1,473.39
Rebates:		
Adams Fund	$21.60	
General Fund	12.21	33.81
Bequest of Elizabeth Winthrop		2,000.00
Anonymous gift to General Fund		4.00
Massachusetts Historical Trust Fund		31.50
		$76,781.01

DISBURSEMENTS

Expenses	$39,837.90	
Securities bought	36,441.25	76,279.15
Excess of receipts		$501.86
Cash on hand, April 1, 1924		4,032.83
Cash on hand, March 31, 1925		$4,534.69

EXHIBIT V

Schedule of Funds

	Balance Mar.31,'24	Income	Payments	Balance Mar.31,'25	Principal of Funds
Adams	$248.45	$2,406.75	$2,500.00	$3,792.66	$35,696.38
Amory	179.44	246.85	235.00	532.30	3,000.00
Appleton	88.58	894.82	910.00	1,380.61	12,203.00
Bigelow	42.46	185.14	181.56	273.38	2,000.00
Billings	1,665.30	709.68	584.25	2,813.77	10,000.00
Boit	1,104.81	370.27		1,986.60	5,000.00
Brattle Street	134.32	10.65	100.00	44.97	100.00
Chamberlain	246.11	61.71	82.83	338.66	1,232.33
Dowse	37.30	687.83	700.00	1,048.17	10,000.00
Ellis	47.24	2,252.48	2,656.96	2,939.21	31,666.66
Frothingham	263.95	246.85		851.81	3,000.00
General	315.67	14,976.29	13,394.42	7,808.42	57,488.66
Hunnewell	4,441.78	339.41		5,292.71	5,000.00
Lawrence	969.92	246.85		1,557.78	3,000.00
Lowell	166.62	246.85		754.48	3,000.00
Mass. Hist. Trust	1,768.06	617.12	2,023.00	1,385.22	10,031.50
Parker	47.26	77.74	63.45	175.22	1,000.00
Peabody	2,086.12	1,542.79	1,264.74	4,694.42	22,123.00
Salisbury	48.51	370.27	371.72	558.58	5,000.00
Savage	1,311.86	431.98	390.30	1,978.73	6,000.00
Schouler	629.73	215.98		1,129.89	2,850.00
C. A. S. Sibley	186.82	1,511.94	1,699.13	2,329.88	22,509.48
J. L. Sibley	5,644.26	8,238.51	7,584.00	18,973.06	121,077.00
Slafter	294.81	61.71	73.00	397.19	1,000.00
Chas. Card Smith	280.71	1,326.80	1,000.00	2,198.90	15,000.00
Waterston No. 1.	1,877.67	370.27		2,759.46	5,000.00
Waterston No. 2.	5,157.38	753.83	1,417.22	5,517.03	10,000.00
Waterston No. 3.	5,504.66	678.83	451.60	6,754.93	10,000.00
Waterston Library		185.14	594.58	— 125.26	2,496.00
R. C. Winthrop	165.83	678.83	926.90	941.80	12,000.00
T. L. Winthrop	894.34	185.14		1,306.82	2,364.66
Wm. Winthrop	1,515.41	339.41	624.15	1,742.19	5,000.00
Robert Winthrop	2,336.71	647.96	9.09	3,998.62	10,000.00
Parker accum		661.40		661.40	
Total	$39,703.09	$42,778.08	$39,837.90	$88,793.61	$445,838.67
Sibley Centenary		4,713.04			108,806.34
Anon. Centenary.		407.72			9,414.60
Total income		$47,898.84			
Total Funds					$564,059.61

REPORT OF THE AUDITING COMMITTEE.

The undersigned, a committee appointed to examine the accounts of the Treasurer of the Massachusetts Historical Society, as made up to April 1, 1925, have attended to that duty, and report that they find that the securities held by the Treasurer for the several funds correspond with the statement in his Annual Report.

They have engaged the services of Messrs. Lybrand, Ross Bros. & Montgomery, Certified Public Accountants, who report to them that they find the accounts correctly kept and properly vouched, that the balance of cash on hand is satisfactorily accounted for, and that the trial balance is accurately taken from the Ledger.

HAROLD MURDOCK,
GEORGE G. WOLKINS,
Committee.

REPORT OF THE LIBRARIAN.

The Library, one of the choice objects of the Society's purposes, is now in its 135th year with a long history almost coeval with that of our nation. It is perhaps needless to say that in its large collection of manuscripts, books, pamphlets and other pieces, it has slowly gathered many rare and priceless treasures. Not the least of these is the remarkable Winthrop Collection reaching back into the sixteenth century, out of which is drawn the basis of the exhibition now open in Ellis Hall; and to which is generously added from private collections rare and unique pieces touching the opening of the American Revolution. Already hundreds of people have derived pleasure and profit in seeing this interesting collection.

During the year several members have given to the Library their own publications and other valuable historical works, and papers, which are gratefully appreciated by the Society. It may not be amiss to remind all members to keep constantly in mind that the Library needs regularly such help in building up a richer and stronger collection. This aid will happily supplement the purchasing power of the limited income of the Society's funds which can be applied for the

purpose of making additions to the Library. In such a way members who may take up this interest would develop a pride in making the collection one of the best of its kind. The Society hopes to win a distinguished position in its historical work. The Library is gradually coming to its own as a useful source of information in the field of historical research. Opportunities for a larger and broader outlook are opening every day; and it is fortunate if at any time the material at hand meets the demand upon the Library's resources. The Library staff is doing its utmost to give the best assistance which the Library can afford, and the Society's grateful expression of appreciation is due to their devoted interest.

The additions during the year offer an encouraging result. Beside the large numbers of manuscripts, which must remain uncounted, and 97 bound volumes of the same, 2211 books and pamphlets and 211 broadsides and maps, including photostats, have been added. Reports from month to month have explained in detail many of the most important gifts, such as the remainder of the Winthrop Collection from Miss Clara B. Winthrop, including the deposit by her of several valuable Winthrop pieces. Thirteen folio letter-books of Alexander Hill Everett, 1818 to 1834, during a good part of his public life have been given by Mr. Arthur Hale. A large collection of Greenough family papers have been added by gift and deposit from the estate of the late David S. Greenough, of Jamaica Plain, and by Mrs. Greenough. Mrs. Frederick C. Shattuck has given more papers of Henry Lee, Jr. Special effort has been made to obtain more English historical and biographical works, and publications of English historical and Parish Register societies. From the output of the photostat machine the Library has received many copies of valuable pieces, either rare or unique, now in other libraries.

The bindery still renders good service. The treatment and arrangement and binding of the Davis and Shattuck family papers will be taken up with renewed interest in the coming months. Two volumes of the Shattuck papers have already been catalogued, and the whole collection will soon be in completed shape. Valuable assistance was given by the bindery in furnishing labels for the exhibition. Many important single pieces have been repaired during the year and mounted

on silk. A number of covers have been made for newspapers, and rare pamphlets bound.

In conclusion the undersigned wishes to express his full appreciation of the confidence reposed in him by the Society, and to say that every effort will be made by the Library staff, who are giving their undivided attention to details, to secure greater convenience and usefulness of the Library to members and those desiring to continue their researches.

JULIUS H. TUTTLE,
Librarian.

REPORT OF THE CABINET-KEEPER.

Reference is made to the reports each month of the additions to the cabinet and collections, and it seems unnecessary to make a statement in detail here.

A new steel table has been made for the model of the Brattle Square Church, replacing the old wooden stand.

Dr. Storer, curator of coins and medals, reports that there have been added during the year 362 bills and 216 coins and medals, of which 115 were Massachusetts items. He has received from 74 Royal Arch Chapters in Massachusetts the chapter-pennies or shekels, through the kind efforts of Mr. T. Julien Silsby, of Brookline.

GRENVILLE H. NORCROSS,
Cabinet-Keeper.

The Committee to nominate officers for the ensuing year made a report upon which a ballot was taken.

The officers are as follows:

President.

ARTHUR LORD.

Vice-Presidents.

GEORGE FOOT MOORE.
CHARLES HOMER HASKINS.

Recording Secretary.
HENRY WINCHESTER CUNNINGHAM.

Corresponding Secretary.
ROGER BIGELOW MERRIMAN.

Treasurer.
ALLAN FORBES.

Librarian.
JULIUS HERBERT TUTTLE.

Cabinet-Keeper.
GRENVILLE HOWLAND NORCROSS.

Editor.
WORTHINGTON CHAUNCEY FORD.

Members-at-Large of the Council.
CHESTER NOYES GREENOUGH.
MALCOLM STORER.
HAROLD MURDOCK.
WILLIAM CAMERON FORBES.
FRED NORRIS ROBINSON.

Mr. Norcross called upon the First Vice-President, Professor Moore, who took the chair.

Mr. Allan Forbes read a paper on

Marches and Camp Sites of the French Army in New England during the Revolutionary War.

You all remember Major Ian Hay Beith. When he was here the last time he gave a talk called " My Literary Adventures " which interested and amused me very much. He said that everyone wrote something, that most people never

gave their efforts to the public, but had something — a story, a poem, an essay, an address, a play, or a speech tucked away in a drawer, or a cupboard, or in some place where no one could find it, and when no one was around fished it out of its hiding place and gloated over it, wondering if they would ever have the courage to inflict it upon the public.

Now I am in exactly the opposite position from these people referred to by Major Beith, because everything I put together I publish without regard for the unfortunate public. I make the State Street Trust Company print and send out every paragraph I write, and usually everything in its name, so that the poor bank gets all the blame. If by chance anything is complimented I at once claim the credit; otherwise, of course, I " duck " the blame and keep quiet. So you see I have many advantages that others do not possess. Another advantage is that the material I write is rarely put on sale and so I never know what a poor seller it might be. I do not have to go through the agonies of seeing one's book in the front window of a book store, soon to be relegated to the counters, then withdrawn to the basement, with, finally, a request that the unsold copies be taken home by the author so as not to clutter up the store. I suppose it was by pursuing this course that I succeeded in getting elected to this splendid Society. My chief reason for not being ejected from this organization lies in one chapter of a forthcoming book, entitled " France and New England " called " Marches and Camp Sites of the French Army in New England," and I imagine my chief claim to the discovery of anything original lies in the material collected in connection with these marches and camps. Mr. Tuttle has seen most of the locations, but I believe I am the only person who can point out all the sites in New England — twenty-eight in all.

I was fortunate in getting Mr. Tuttle to go on our longest exploring trip, acting as map reader. We were supplied with copies of all the Camp Sites as laid out by Rochambeau's engineers, and by means of these plans and with the aid of local authorities we were able to locate exactly all of them, I believe. In going over the route we imagined that we were Rochambeau's officers, travelling one hundred and forty-two years afterwards over the route, but in a rather different

manner — a modern conveyance — a motor. Of course Mr. Tuttle, our map expert, we called Col. Desandrouins, of Verdun, one of the most important engineers with the French Army. My friend and publisher of the book, Perry Walton, should have been called, I suppose, after the printer of the *Calendrier Français,* a calendar printed on the Royal printing press of the French squadron while in Newport harbour. There are only two copies in existence, one in the Rhode Island Historical Society, the other in the library of the late George L. Shepley, of Providence. As we did not know the name of the publisher we called Walton, Béville, a quartermaster general who was one of the two who went ahead of the army, selected the camp sites, provided forage, food, etc., for the march. Our fourth commissary general was Henry M. Hutchings — Closen we named him, another of Rochambeau's aides. Closen's diary, by the way, was brought over by Mr. C. W. Bowen from abroad and copied in long hand, in French of course, and this only copy is in the Library of Congress in Washington. Much of this I had translated and it is most interesting. I believe I was Claude Blanchard, who kept a diary as did so many of the French officers. A copy of this I have given to the Historical Society. He was the Commissary General of the army and with Béville went over the entire route of the army on its march south. Between ourselves we really conceitedly called ourselves Rochambeau, Lafayette and the Vioménils, but this is not for publication.

I am now going to take you as briefly as I can over the three lines of march: the first from Providence to the Hudson on the way to Yorktown; the second the return march to Boston after Yorktown; and the third the covering march of Lauzun to protect the army on the way south. I have given the Historical Society a photograph of a map from the Rochambeau papers which were bought by Congress from the Rochambeau family.

It is important first of all to remember the obstacles encountered, lack of roads, length of the journey of over seven hundred miles, the heat during the march south in June and July, and the hardships of the march north in October, November and December.

In our investigations you should remember the difficulty of following disused roads now mostly overgrown. Most of the roads in Connecticut extend north and south and not along the lines of march, which has tended to cause the older roads to be still less used. Furthermore local histories seldom mention this important change, making it more difficult for us. A Boston Colonel in the World War told me that this lack of mention should be treated as a compliment to the French, for if the army hadn't behaved itself histories would have made more records.

I have read all the diaries of the French officers in Washington, Newport, Providence, Hartford, New York and Boston and I have tried to pick out the facts of the greatest interest. We were very successful in arranging to have the local historian meet us at the different towns to pilot us along and it was most interesting being shoved along from one to another. I am sorry to report several have since died.

After a winter of soldiery, teas, dances and considerable love-making the French army left the town of Newport in little boats, arriving at Providence the same evening, where they were put up in some empty houses provided by the town authorities. The first camp was in West Providence, at the present Hayward Park, and here the army waited for some troops that were on their way from Boston, camping at Dedham on their march. The second camp of the main army was at Coventry, in Rhode Island, about fifteen miles southwest of West Providence, the army travelling in four divisions. The third camp was at Plainfield, in Connecticut. This town recently put up a Joan d'Arc statue as a memorial to those who gave their lives in the World War, like that recently put up in Gloucester. The farm house in Plainfield where the French officers dined is still standing. A Mrs. Jonathan Sturgis wrote of this event that her grandmother remembered the officers getting out some folding camp tables, the ample supply of French wines and the long time they sat at table.

The fourth camp west was at Windham, a mile beyond the town near the Bolton road. Those who wrote of the march mention especially the long lines of baggage wagons and the big carts containing silver money guarded by French soldiers.

While at this camp a fire broke out in the woods near by. Col. Guillaume de Deux-Ponts, second in command of the regiment of this name, in his diary mentions this occurrence, expressing surprise that it caused no consternation among the Windhamites. He thought the Americans were glad to have the woods cleared in this manner.

Rochambeau wrote General Washington from this Connecticut village and the acknowledgment is among his published letters.

Windhamites, by the way, boast of their frog pond, as we Bostonians are wont to do. It is claimed that on a certain day one of the country roads was covered with these animals seeking a better pond in which to spend their days. A poet of Windham mentions this event in this rhyme: —

> The direst fray in all the war
> To shake King George's crown,
> Was when the Bull-frogs marched at night
> Against old Windham Town.

A woman who was hanging clothes near the other camp ground on the return march pointed out the exact spot where the former pond had been. Many of those who helped us mentioned that the French hunted for frogs as soon as they had pitched their tents, and according to the stories we heard it would seem as if the army lived on little else. It reminds me of the celebrated frog dinner given by Mr. Tracy in 1778 to the officers of the French Squadron, in Cambridge. Some one suggested that possibly the Windham frogs were trying to escape from the French soldiers. It might be mentioned here that the army physicians insisted upon vinegar or rum being put in the drinking water to kill the malaria germs. An officer wrote that he had heard of many objections to the use of the former but none to the use of the latter.

The fifth camp was at Bolton, in Connecticut, and on the 22nd of June the army reached East Hartford on the bank of the Connecticut River. The newspapers of the day referred to the "fine body of men" and to the "discipline of the troops," stating that no harm was done to anyone and that the "march was agreeable to the inhabitants." Two days were spent there to repair the artillery wagons, and

according to the diaries of the officers most of them seemed to have strolled off to Weathersfield, one of Connecticut's prettiest towns, evidently to see the historic Webb house where the conference between Washington, Rochambeau and Lafayette had taken place the previous May.

The army then took the Farmington road which leads near Talcott Mountain, where there was a French hospital, probably for contagious diseases. In the North Cemetery near by is a boulder in memory of those who died there. Some of the stones from the camp fires of this hospital were dug up and are now in a fireplace of a dwelling near by.

Farmington was the seventh camp ground, usually known as the " Village of Beautiful Homes."

The eighth stop was at " Baron's " Tavern, meant probably for Barnes Tavern. Half of the army camped at Southington and one-half at French Hill in the town of Marion near by. The historian of the former town said it was one of the few places he had ever heard of in which Washington and Lafayette had never slept and he rather seemed to boast of this fact. At the latter place there is a monument near the camp ground with a medallion of Rochambeau on it, and the names of most of the generals, many of Irish extraction, on the reverse side. This memorial was placed there by the Irish American Historical Society.

While at Marion some sprigs of sage were placed on the table, whereupon one of the Frenchmen said: " One do give dis to de horse in my country." There was a ball given there and for years many of the women used to boast that they had danced with a French officer. So many of the French patronized Barnes Tavern that it is said the owner was rich enough to retire from business soon after. While there one of the officers, as the story goes, ordered a bowl of milk, which to the surprise of the innkeeper the Frenchman carried out doors to his favorite dog. A member of this same Irish American Society erected in Waterbury, in East Farms Cemetery, a monument in memory of two French soldiers who died when the army passed through the town. It was erected by Dennis H. Tierney, who claims relationship to the De Ternay who died at Newport — the French Admiral. By writing dozens of letters it was possible to locate his son who

now resides in Kansas City, and from him I obtained some valuable unpublished material.

Breakneck Hill, often known as Rochambeau Heights, just beyond Waterbury, was the next halting place, and on this beautiful hill overlooking the valley there is a marker, described later.

The march then led across the Hoosatonic River to the tenth camp at Newtown. Here orders were received from General Washington to "push on his troops with greater haste, and by a different route, a more southerly one from that now in view." This necessitated the Soissonnais Regiment making a double march, a feat complimented by the American General when the French army reached the North River, the name of the present Hudson. At Newtown lived a staunch Tory, it is said, called Solomon Glover, who always took to the woods when the Whigs appeared. One time, however, he was caught in bed, whereupon the intruders all pricked him with their bayonets. On this same visit they discovered in the old brick oven some pumpkin pies, which they hurled at Glover's dog. This made Mrs. Glover very angry, but she had a sufficient sense of humor to remark that the pies might be good enough for the Whigs, but that they were not good enough for her dog.

The French marched through Danbury to Ridgebury, in the northern part of the township of Ridgefield. Their route led them past the old Norris house, in the latter place, which I visited. A boy had just been born to the Norrises the morning the army marched past the house and it was called after the Chevalier de Lauzun, who was leading the flanking march of the army a few miles south. The two bodies of troops united not far from here at Bedford. There have been several Lauzuns in the Norris and other families near by and even a cousin of George L. Rockwell, my pilot in the western part of Connecticut, was so called. It has been corrupted in some cases however into Delazaun and Delausun.

Curiously enough the day of their arrival at Ridgefield was Rochambeau's fifty-sixth birthday. The camp here was easy to locate. There was a Civil War veteran, a Mr. Coe, who owned a farm near by and he explained how the French soldiers made a rush for the tannery that stood back of his

house and from the vats he said they procured many frogs to gratify their taste. We walked over the fields with him and his delicious Baldwin apples made us forget for a time the object of our visit.

The troops then continued to Phillipsburg, near Dobbs Ferry. Here the American and French armies united on July 6, 1781 and a tablet so records the event. The crossing of the Hudson took place further north at King's Ferry.

Closen of the French army wrote of their meeting: "I had the pleasure of seeing the American army, each individual man. These brave fellows made one's heart ache, they were almost without clothes, trousers and a little coat or jacket of linen, the greater number without socks, but can we believe it? In the best of spirits imaginable and looking healthy."

The inhabitants of most of the towns through which the French army passed evidently did all in their power to assist the troops, loaning their horses and oxen to help haul the wagons over the most difficult places. Governor Trumbull of Connecticut appointed barrack masters at different points to help the French.

I am going to read several paragraphs from Stuart's *Life of Jonathan Trumbull,* as they seem to give an attractive description of the conditions met with by the soldiers:

> Refreshments both for man and beast were added, at frequent intervals, to the stores which they brought along with them from Rhode Island. Ripe fruit from many orchards and gardens often regaled their taste. The apple presses of the farmers yielded them hearty quaffs of cider . . . the brown jugs and oaken casks of the farmers' wives, frequent libations of excellent home-brewed beer. Were their slow ox-teams, as once or twice happened, late in bringing to their encamping ground their tents and baggage — or at times, when wearied with a long day's march beneath the broiling sun, or with severe labor in cutting away trees, or removing stones for the passage through some defile of their heavy trains, did the troops court repose? Fresh horses and oxen from neighboring farms, freely loaned, hurried up their missing equipage — while many a comfortable bed in private dwellings was hospitably offered to officers — of whom there were many — who, thoughtful of the spirits of their companies, encouragingly marched with them on foot, sharing with them in all hardships by the way — hardships, we are well assured, such as by the whole army,

alike men and officers, were borne patiently and with perfect good humor.

Or, unwearied by the exertions of the day's march, and witched with the beauty of damsels whom on the road they saw either passing around their tents on some village green, or clustered near some mansion where they had their temporary quarters — did some officers of the strange army — following the impulse of natures proverbially and irresistibly gay — seek to wake such active power to the brisk measures of the dance? "Fair, charming Connecticut girls" as de Warville describes them about this time — girls "adorned with complexions" whose brilliancy mocked those of the sunny south — who were "dressed in elegant simplicity" — who were safe under the protection of their own conscious innocence, and of high-toned public morals, who were "so complaisant and so good" as the French traveller expresses himself — tripped with them "the light fantastic toe."

> The Frenchman, easy, debonair, and brisk,
> Found quick his lass, his fiddle, and his frisk —

while many a hearty Connecticut lad, of strength sinewy enough to handle a firelock — "fired with Martial courage" by the imposing Gallic display — volunteered at once for the wars — and, his steps right onward, erect his form and movement, thinking to wear the plumed helmet with a grace, accompanied the regiments of Rochambeau on their march to the grand American camp.

Of the camp life of the army Abbé Robin of the Soissonnais Regiment gives an excellent description. He landed in Boston, by the way, and was with the detachment of soldiers that marched to Providence to join the main army.

Having books to divert my mind from its fatigues, I write often and in place of ink use the sap from the fruit of an herb — happy if I may but be able to rest a while. But no — from two o'clock in the morning the noisy beating of the drum orders me to tear myself away from my hard bed; one must hastily pack up this ambulatory dwelling — mount one's horse or follow on foot. Arriving at the place destined for the camp one must still wait, during the best part of the day for the wagons carrying our baggage. The sun has almost run its course before our debilitated stomachs have performed their important functions; stretched out on the dusty grass panting with thirst, I often wished — like the rich man — that another Lazarus would dip the tip of his finger in water to quench my thirst. Our young leaders brought up in ease and

luxury stand the strain with a courage which makes me blush at my weakness, whilst their abundant and frugal table offers to the officers an existence which without means and servants had been well nigh impossible; they encourage the soldiers by walking ahead of them.

The astonishing thing is always to find the French characteristic of gaiety on these painful marches. The Americans, whom curiosity led by thousands to our camp, are received with joy; we play for them our military instruments which appeal to them greatly. Therefore, officers, soldiers and Americans, all mix and dance together; it is the feast of equality; the first fruits of the Alliance which should reign between these nations.

Another French account speaks of the behaviour of the troops:

The army of Rochambeau, in its march from Newport to Yorktown, was so thoroughly well conducted, that there was not even a single instance of one of the soldiers taking an apple or a peach from an orchard without leave having been previously obtained. It was given out in general orders, that if a Frenchman should have a dispute with an American, the Frenchman should be punished, whether he was in the right or in the wrong, and this rule was strictly adhered to. I believe there is no example of anything similar in history.

Rochambeau told Washington that the French had crossed Connecticut without any complaints being made of them: on the contrary, the people received them with blessings. He wrote to Barras from White Plains, on July 6th: "We have made the most rapid march . . . without any dissatisfaction, without leaving a man behind us, except ten love-sick soldiers from the regiment of Soissonnais, who wanted to return to see their sweethearts at Newport and for whom I am going to send.

The fainter line on the map shows the covering march made by the Hussars of de Lauzun, who had been wintering at Lebanon near Windham. Our exploring party went there and I have written a chapter about it to appear later. Lauzun considered it an insult for Rochambeau to send him to "Siberia" as he called it. He criticised his superior officer on several occasions and this was probably the punishment meted out to him. These troops on this flanking march camped at Middletown on the grounds of Philip Mortimer,

who, I believe, came from Boston. Then the march extended through Wallingford, North Haven, Monroe, Oxford, Ridgefield to Bedford. A detachment, perhaps the entire body, must have followed a more southerly course, for Dr. Ezra Stiles, of Yale, records in his diary that they "pitched their tents in the new Town half a mile east of the College." He called it Lauzun. The leading authorities on the history of this part of Connecticut could discover nothing about any of the camp sites, so I will leave this for a real historian.

The French army passed the winter after Yorktown between the James and York Rivers. Now how can we account for the choice of Boston as a point of departure for the West Indies? The French officer, Mathieu Dumas, an aide to Rochambeau, gives perhaps the clearest reasons for this long march. He explains that after the sea fight of April 12, in which Comte de Grasse was captured by the English, Admiral Vaudreuil was ordered to Boston to repair his squadron. Our port was much used by the French for this purpose. "Rochambeau," says Dumas, "perceived the necessity of bringing his army nearer to the northern provinces." Boston seemed to be the best and safest port of embarkation. It would seem as if it would have been simpler for the fleet to meet the army at some more southern port, but it must be remembered that the enemy had not yet been completely beaten. Vaudreuil was to get his fleet ready by November, but it was a month later before the ships were equipped.

Perhaps someone with more skill and time will some day follow the march and camps of the army as far north as the Hudson, where the combined armies were received by the Continental troops with military honours, the allies passing between the American soldiers drawn up in two parallel lines. General Washington, it is said, ordered the drums to beat a French march in the meanwhile. Rochambeau states that some of our army was dressed and equipped with supplies brought from France.

Ségur, uncle of Lafayette and a Colonel of the Soissonnais, relates that near here Rochambeau was placed under arrest owing to the fact that some trees had been cut down by a French soldier. This must have irritated the French General considerably, but he seems to have treated the event lightly.

The march eastward lay over practically the same route. The farthest camp westward, the thirty-ninth, that I visited, was at Salem Centre, just across the New York line. Here the army encamped back of an old building, the North Salem Academy, still standing and now used as a town hall. Near by is Titicus Reservoir. When we visited Salem it was during the extreme drought of 1923 and it almost seemed as if this huge reservoir had been drained for our benefit, for there was not a drop of water in it. It was now possible to see the old road over which the army had marched into Salem and the old stone walls which could still be seen exactly as they were. It was a very curious spectacle.

The fortieth camp was near Danbury — the "Hat City" as it is known — where once was one of the important storehouses for our army.

The forty-first camp was at Newtown near the former site. Here the army spent an extra day. The march northward was in two divisions as a rule, while that southward was in four divisions.

Breakneck, the forty-second camp could never have been located without the help of Colonel Cheney and Mr. F. C. Bissell, who, with a Hartford senator, piloted us to this camp on the summit of the hill overlooking the Naugatuck Valley and the Meriden Mountains. The Irish American Society put up a stone marker here. Chambrun came to the unveiling. Within a few feet is the old disused road over which the army travelled. I suppose I should have done what Francis Parkman would have accomplished; he would have walked over the route and camped where the army camped, taking weeks to do it. For a business man this would have been impossible.

During this part of the march we could follow the State road and we did the distance between several camps in twenty or twenty-five minutes. The army would have taken a whole day to go over the same ground. It is related that one of the Bronson family, which at that time owned the camp site, locked up his daughter, Esther, for fear she would elope with one of the French officers.

The French believed the hill, which they called Casse-cou, was so named because one of the oxen in descending the hill

fell and broke its neck. It was, however, proven that the place was so called fifty years before the Revolution.

The forty-third camp was at Baron's [Barnes] Tavern again and the forty-fourth at Farmington, near the former location.

The forty-fifth camp was once more at East Hartford on Silver Lane, so called because a large amount of silver used to pay off the troops was previously stored there. This Lane, so appropriately named, intersects the old camp ground. There is a well founded tradition that the silver was stored for a night or two in a house near by on — curiously enough — Forbes Street. Another curious thing to me was that this house was now inhabited by James S. Forbes and his grandmother Emma Sophia Forbes. She was very surprised to learn that my name was Forbes and seemed still more surprised to hear that there were any others of the same name in America. I was so much amused by this statement that I could not refrain from asking the old lady if she had ever heard of one of the most prominent names in the family, a member of this Society, W. Cameron Forbes. " I don't think I ever heard of him," was the surprising response. She then showed me her family genealogy and again to my surprise the first two names on the list were Mary and Dorothy Forbes, the same names of my two sisters. So many Forbeses lived on Forbes street that the district is usually known as Scotland. I read carefully the history of this Forbes family of East Hartford and was amused to find that there was an Uncle " Hick " Forbes, who served for years as an assistant grave-digger in one of the burial grounds. He is said to have dug so many graves that in the latter years of his life, when he grew feeble, he was obliged to lower a ladder into the excavation in order to enable him to climb out. It occurred to me that from him may have originated the old expression of " digging one's own grave." Across the river on the Glastonbury-Springfield road is a marker on the site of a meeting house which was used as a hospital by the French. I have been told that the Hartford Historical Society will soon place a tablet on the Silver Lane Street camp ground. An historian of East Hartford mentions this encampment.

Wonderful tales of their barbecues in the meadows are still told — of the huge carcasses of oxen roasted whole over pits dug in the ground — the poor beasts having been beaten almost to a jelly while yet alive, to fit them for the fastidious palates of the foreigners. An iron cattle ring, cut from the heart of a tree in the meadow by Mr. Austin Case, is a relic of their occupancy. They also had their cattle roasts, and made barrels of soup in "Squire Pitkin's dooryard." The old meeting-house was used for a hospital during their stay [site now properly marked]. Their sojourn here was marked by much cordial sociability. Our grandmothers and great grandmothers came from long distances to dance with the gay and polite French officers in Mr. Ashbel Roberts' orchard, back of what is now Mr. Jason Roberts' house on Silver Lane. The French named the apples from a tree which was until recently standing in this orchard, "Belle Bonne," — signifying good and handsome, a name which this variety of apple has borne ever since, although it is sometimes corrupted into "Bell Bound," and shortened into "Bounders." . . .

The influence of the good manners and cultured tastes of the French officers remained after they had departed. . . .

The people gladly served the generous soldiers, the boys running errands for them, and the housewives doing their sewing and mending, and serving them at their houses with unwonted gingerbread and pies, for which they were well paid. The soldiers cut fagots for their campfires in the woods, south of Silver Lane, and brought them in bundles on their backs.

Rev. Dr. Stiles met the troops near Windham and entered many interesting facts in his diary.

The forty-sixth camp was at Bolton, near the former camp ground.

The forty-seventh camp was at "pretty" Windham, as the French called it.

Feeling confident that a banker would know everything we called on the President of the Windham Bank and asked him if he knew anything about the French camps there and he looked at us as if we had escaped from some lunatic asylum. No one else had ever heard of a Frenchman or a camp. We were not discouraged, however, and decided to make a search ourselves. After supper several interested octogenarians dropped in, hearing that we were looking for a French camp. "There are none here I am sure," they said. We replied

that we had only been there two hours but had found two camp sites, which seemed to surprise them very much. We showed them our maps and locations, but they probably still think we were crazy and in charge of a keeper on the way to Worcester. Windham was probably a quieter place than in 1782; hardly an automobile went past. I looked out of the window the next morning and the only person visible was an old man in his shirt sleeves picking up pieces of paper from the village green. The next individual to heave into sight was the keeper of the grocery store, who, also in his shirt sleeves, was driving an old horse at a slow walk to the store. He tied him to a post and opened his shop. If any of you get worried over the " honk " of a motor I advise you to spend a week at Windham, and I assure you, though the village is pretty, at the end of that time you will be glad to return to the horrible " honk " again.

We left the Inn early the next morning and set out for the next camp, following the exact lanes taken by the army. After going a mile or so on a fair dirt road we asked some farmers the way to Canterbury. They pointed it out to us, adding " You will find the road good," and then burst out laughing. We therefore knew what to expect. In a few yards we came upon a very steep hill and then an ascent over sheer boulders — hardly any dirt at all. We were obliged to travel on the lowest speed all the time. Soon the foot brake of my six-year-old Dodge car failed to hold, leaving only the hand brake. I am sure it was far more dangerous than a day's march, with Rochambeau's men, but I did not tell my friends — Colonels Desandrouins, Béville and Closen — of the danger on account of the failure of the brake to work. After climbing many narrow, steep, rough and stony hills along the lane, which must have been about the same when the army passed over it, we were relieved to reach Canterbury, a very small town in Connecticut, the forty-eighth stop. We then went past Plainfield where the army did not halt on this march. From there we encountered some more hills and all the roads seemed to lead to Moosup. We finally found one narrow lane — much like the others — that did not go to Moosup, which brought us to Sterling, called in those days Walentown. Here we had a wonderful pilot, called Douglas,

over eighty years of age, who seemed to be the only person in the town who knew much of anything. After showing us the camp ground we motored across the state line into Rhode Island. There was one more camp ground at Coventry, the home of Gen. Nathanael Greene, second only to Washington, whose wife entertained some of the French officers. We failed to find the Coventry camp ground and had to make a special visit there later on. It was one of the most interesting of all, for Waterman's Tavern, near the location of the camp, is still very much as it used to be in Revolutionary days.

Here was the fiftieth camp — a very difficult one to find. The tavern is now the home of Elmer A. Havens and the family know well the history of their place. Several of the boys were in the Great War. They show the occasional visitor a cut in one of the mantelpieces which they say was made by Rochambeau when he was asked to leave in the Inn a souvenir of his visit. This old Inn is a really great Revolutionary relic.

The fifty-first camp was at Mathewson's plain in West Providence. It is now near or on the present Hayward Park, several miles from the centre of Providence. We arrived here about three o'clock very tired and hungry and after a poor lunch at a corner drug and grocery store we continued to the next camp ground, a very important one, in North Providence, the fifty-second.

The reason for moving from one Providence camp ground to another is explained by Closen as due to lack of fire wood. It was now the 13th of November and the soldiers complained a great deal of the cold, and hastily constructed barracks. The officers were taken in by the Providence people and the original lists of houses both here and in Newport that were occupied by the French officers are now in Fraunces' Tavern in New York.

This second camp ground in Providence is on Rochambeau Avenue and near Camp Street. There is a tablet near by, but we were so tired by this time, as we had come from Windham that morning over very bad roads and visited seven camp grounds — fifteen miles apart — that the tablet more resembled a tombstone to us. Near by is also a school named for the famous French General — Rochambeau School. Most of the camp ground is now occupied by buildings.

While in camp here the officers visited the Pidge or Sayles Tavern situated on the Providence-Pawtucket road. It was used by Rochambeau as his headquarters, and Lafayette is supposed to have stopped here on some of his journeys. We lunched with Mr. Standish the new owner, who bought the property as an advertising corner without realizing its historic value. As soon as he discovered its history he set about restoring it. We tried to imagine its inmates waving a farewell from the quaint windows to the French troops as they marched past the door on their way to Boston on the first of December.

While in Providence Rochambeau gave a great ball which has been recorded in many of the French officers' diaries.

Rochambeau bade farewell to his army there and returned to Baltimore where he sailed for France. He left them as the troops were destined for the West Indies, and he was old and had done his part in the war.

The Bourbonnais left on the 1st of December; the Soissonnais on the 2nd, the Saintonge on the 3rd, and the Deux Ponts on the 4th.

The artillery left several weeks before, arriving in Boston on the 18th of November.

Boston prepared on November 7 for their arrival, the legislature passing a vote appointing Col. Jabez Hatch, Barrack Master, to meet the army at Wrentham and to find quarters in Boston. The vote called upon the citizens of the State to help the French in every way.

The Wrentham Camp, the fifty-third, was near Lake Archer, once named for King Philip, who frequented the vicinity and who is supposed to have fought a battle near it.

The first division reached Dedham on December 2, followed by the other divisions one day apart, camping close to St. Paul's Church near the centre of the town.

The only contemporary diary that I have seen which records the French march has been handed down to the Dedham Historical Society, which also has several other French articles of interest. This diary was written by Dr. Nathaniel Ames, the leading village doctor of his day. It is a well known family there today. Dr. Ames mentions skating down the Charles River to treat a patient.

It must have been an exciting time when the artillery and

then the troops arrived in the town — which was quite a place in those days — a coach halt and frequented by many foreigners, including many of French descent.

At my suggestion the Dedham Historical Society is to place a boulder and tablet near this camp ground, and, curiously enough, the location will be near the residence of one of our party — Mr. Hutchings — (or rather Closen). At the suggestion of a member of the Society the boulder came from my farm in Westwood, near Dedham.

This made nine camp grounds visited by us in one day. We had travelled in nine hours a distance that took the French army nine days to complete.

Of their entrance into Roxbury Francis S. Drake gives an excellent account and Samuel A. Drake gives just as good a description of the march into Boston. Another chapter I am working on will give a history of the regiments and many of their officers. Hardly any mention of the march is made in the newspapers. One interesting thing was that the Boston Cadets copied its full dress uniform from that of one of the regiments, the Soissonnais. It is curious that the Cadets in the Great War on the way to the front were detained at Soissons.

Ségur of their arrival in Boston said:

> Before we entered Boston our troops changed their dress in the open air, and appeared in a short time in such excellent attire, that it seemed incredible, that this army, coming from Yorktown, could have travelled over many hundred leagues of country, and been exposed to all the inclemency of a rainy autumn, and of a premature winter. . . . A great part of the population of the town came out to meet us. The ladies stood at their windows and welcomed us with the liveliest applause. Our stay was marked by continued rejoicings, by feasts and balls, which succeeded each other, day by day. They displayed, with equal sincerity, the contending sentiments of joy at the triumphs of the allied armies, and of sorrow at our approaching departure.

Drake wrote:

> A great concourse of people came out to the Neck to welcome the gallant Frenchmen, and as the brilliant column moved along it was met with the liveliest demonstrations of joy and affection.

Ladies waved their handkerchiefs from the windows, and the old streets echoed again with the plaudits of the people. Our readers will doubtless agree that, of the many pageants of which the Neck has been the theatre, none were so well worth witnessing as the one on the day when the superb host of our ally, Louis XVI, with closed ranks and firm tread passed into the town, with little of the pomp of war in their appearance, but with the light of victory in every countenance.

The stay of the French was taken up by a round of reviews, balls, dinners and receptions. The officers found quarters and genuine hospitality among the inhabitants, and the men were well cared for. Both officers and men parted with keen regret from the friends they had found, — a regret sincerely shared by the inhabitants. At a fire which occurred in the town the French displayed such good-will and gallantry in assisting to extinguish it that they were publicly thanked. On the 11th, Governor Hancock and the council gave one of their solemn feasts to the general and field officers, the Marquis de Vaudreuil, and principal officers of the fleet.

Only one authority mentions how the soldiers were taken care of. Abbé Gabriel, compiler of Desandrouin's Memoirs, states that they were immediately embarked on board ship. The officers, most of them, were put up with people of Boston.

The Governor and Council gave a dinner to the army at which "more toasts were drunk than we Frenchmen ever heard of," wrote Desandrouins. A subscription ball was also given and a town meeting addressed by Samuel Adams. Twelve French ships were now ready to take the army to sea after three weeks delay in Boston. They sailed the day before Christmas, viewing as they left the harbour the wreck of the *Magnifique* on Lovell's Island. They ran into very bad weather and several vessels were almost lost, one, *Le Souverain*, actually striking bottom but fortunately getting off with a lucky shift of the wind.

Mr. DANA regretted that he had not brought in two manuscripts, one signed by Rochambeau and the other a letter of Lafayette, to be shown in connection with Mr. Allan Forbes' paper. The Rochambeau document begins, "The King, my

master, sends me to help his good and faithful allies, the United States of America," and is signed by Count de Rochambeau. There is no date, but it must have been delivered at the time of his landing in Newport in July, 1780. The Lafayette letter was addressed to William Ellery and it is in relation to securing horses. It has no date, but probably was in connection with the Rhode Island expedition of 1778 in which Lafayette took part. William Ellery, Mr. Dana's great-great-grandfather, was a member of the Continental Congress, resided at Newport, and both these documents were preserved among his papers.

Mr. DANA then continued:

Charles Francis Adams, our late president, in his *Autobiography*, says: "In 1842 my father moved to the house he subsequently occupied as a winter residence during forty-five years, No. 57 Mt. Vernon Street, nearly opposite the head of Walnut Street, a vamped-up dwelling, the purchase and occupation of which were highly characteristic of the man. Bought by my grandfather, Peter C. Brooks, for his daughter, my mother, . . . but, unfortunately, it contained one large and handsome room on the second floor into which the sun poured, and which occupied the entire front. The only really desirable room in the house, my father fixed on it for his library regardless of other considerations."

He cannot have meant, as his words seem to imply, that his father wholly appropriated this splendid large sunny room exclusively for himself. I remember calling with my mother on Mrs. Charles Francis Adams, Sr., and she occupied, with her books, table, and paraphernalia, one end of this large room — the end, if I recollect rightly, towards the fireplace. The room itself was divided by projecting bookshelves into three compartments, or was it only two? While we were there, Mr. Adams came in. First, he spoke to my mother and I was introduced to him, and after a few words he excused himself and went back to the alcove where were his desk and papers, entirely out of sight from where we were. After this, I remember that Mrs. Adams took her son Brooks and myself, then a boy, to see the Ravels, and later, again I called

with my mother and found Mrs. Adams in, and there she was fully appropriating and enjoying her considerable portion of this sunny room at 57 Mount Vernon Street.

I am glad to clear away the misconception that has arisen from the statement in the autobiography, not only for the general regard for Mr. Charles Francis Adams, Sr., but also for three personal reasons. First, the name Francis was given to him in memory of my great-grandfather, Francis Dana, to whom John Quincy Adams was secretary in Europe at times between 1780 and 1782. Next, on account of what the first Lord Coleridge told me on September 8, 1875, when I was visiting him in Devonshire. He said that Charles Francis Adams, our minister to the Court of St. James during the Civil War, had had a very hard time during the first year or two of that war; and that few others could have kept his position and dignity amid such scorn, and sometimes insults, and that in the end he won very great respect. "Adams," said he, "and his work on behalf of the North are not half appreciated in America." And again Lord Russell (better known as Lord John Russell), on September 7, 1876, at Pembroke Lodge, spoke in great praise of Charles Francis Adams and his services to the United States in England during the Civil War. I remember that he had mentioned this more in detail on a previous occasion.[1]

I also take pleasure in making it clear that Charles Francis Adams, the younger, could not have intended to imply by a somewhat ambiguous statement that his mother had not a full share of this fine, second story room. I never can forget the enthusiasm which the younger Adams put into his biography of my father and his many acts of kindness to myself. As to his turning the key on the old house without regret, I think this must be said — the house, as originally built, had several windows facing the West. Later these windows were closed by the house built on that side, and not even full advantage was taken of what sunlight might have been, and in fact was let into the house by the succeeding owner. Apart from the rooms facing South, the rest of the house was gloomy indeed.

[1] *Hospitable England in the Seventies*, 126, 358.

Mr. FORD presented a statement on

TEN YEARS OF THE PHOTOSTAT.

The introduction of a photostat into the Massachusetts Historical Society was almost an accident. As a member of the Visiting Committee to the John Carter Brown Library I first saw the machine, then used by Mr. Winship, the Librarian, to supply inquiring investigators with prints of what they needed. Its possibilities in an undertaking long desired and for some twenty years under consideration — the reproduction of a colonial newspaper — at once impressed me. Only one such venture had come to my notice, that of the *American Weekly Mercury* published in Philadelphia, which Mr. Julius F. Sachse, an expert photographer, began and carried through four volumes (1719–1723) by the zinc or line process. The expense and the limited subscriptions led him to discontinue the undertaking. The photostat offered something more reasonable in cost, simpler in operation and a better product. I laid the matter before the Council of the Society and they authorized the purchase of a machine of medium size.

The beginnings were of modest number but ambitious extent. The New York Historical Society possessed an almost unique file of the first years of the *Boston News-Letter,* 1704–1708, and, on my request, very courteously sent the volumes here — an act the more gracious because so unusual in any institution. Mr. Charles E. Stearns and I operated the machine for two hours in the morning, completed the negatives of the *News-Letter* and indulged in other experiments, more notable in retrospect for their number than for the quality of result. The technical experience gained proved of value and the first practical difficulty encountered proved that the machine bought was too small to produce economically what was required of it. It could print a single page of a newspaper of moderate size, but a great gain would follow if two pages could be placed on a sheet. The difference in cost between the machine purchased and the largest size made amounted to some hundreds of dollars, a matter not to be regarded as negligible, for the entire situation was an experiment. As yet the returns for prints made on order

did not justify increasing the running costs and the larger machine involved such increase. Just at that time the Commonwealth desired to obtain an exhibit of manuscript historical pieces for the California Exposition. Unable to have originals it took reproductions. Its order enabled the Society to meet the cost of a new machine, full allowance being made by the manufacturers for the old. After some months of experience, it was recognized that the photostat should be operated on a business basis, under a professional photographer, if the best results were to be obtained. Mr. Robert H. Pearman, of Washington, a photographer of thirty-two years' standing, was engaged and has been responsible for the excellence of the product since April, 1916, the period covered by this report.

The Council report shows that in ten years the prints made cost in round figures $45,000 and the receipts amounted to $46,000. Prices of labor and material advanced in that time and were reflected in the cost of the product. In spite of that the machine has always been in full operation and the distribution of its products has fully compensated the added expense. In place of noticing the material treated in each year, it will be listed in groups, the better to show the kind of matter reproduced and the size or extent of the undertakings. For no other institution having a photostat — and the machine is now widely distributed in libraries — can show so extensive a product of larger pieces or series.

The first work attempted, and it proved of the largest size, was the reproduction of all known issues of the *Boston News-Letter* from the beginning of the sheet in 1704 to its disappearance in 1775. Other colonial newspapers have followed so that the whole output has reached impressive series, as follows:

Boston News-Letter, 1704–1759.

Georgia Gazette, 1763–1773.

Boston Gazette, 1719–1736 (two sets only).

Domestick Intelligence, or News both from City and Country, 1679–1681, edited and published in London by Benjamin Harris, who later removed to Massachusetts-Bay and, among other publications, put forth the *New England Primer.*

Newspapers of North Carolina published before 1800, an undertaking made in combination with the North Carolina Historical Commission.

New England Courant, 1721–1726, published by James and Benjamin Franklin.

Virginia Gazette, 1736–1780, in combination with the Virginia Historical Society and with the assistance of Messrs. Fairfax Harrison, Henry W. Anderson and John Stewart Bryan. This is now in process.

Many printed volumes have been reproduced, either on the call of an investigator or to round out the Society's collections. A full list cannot be given, as all the items have not been recorded by title, but the general description of this class of material may be judged by the following partial list:

The Charles L. Nichols series of sixty-five early Massachusetts *Almanacs,* 1645–1700, some unique and all of great rarity, an example of what industry and perseverance in search and tact in obtaining could accomplish.

The *Journal of the Honorable House of Representatives of the Colony of Massachusetts-Bay,* 1776–1777, printed by Powars and Willis, 1777. From the unique copy in the American Antiquarian Society.

A Platform of Church Discipline, Cambridge, 1649, in two variant issues.

DIGGES, DUDLEY. *Of the Circumference of the Earth,* London, 1632, from the copy sent by Edward Howes to John Winthrop and which led to the strange confusion of attributing the authorship to Howes. (See *Collections,* LII, 277.)

HARRIS, WILLIAM, Sermon on the Death of John Mercer. London, 1725.

Necessaries; best Product of Land; best Staple of Commerce. Philadelphia, 1776.

A series of Vermont items, made for an enthusiastic and successful collector of Vermont material, as follows:

ALLEN, IRA, *Miscellaneous Remarks on the Proceedings of the State of New York,* Hartford, 1777.

BURROUGHS, EDEN, Election Sermon, 1778.

Powers, Peter, Election Sermon, 1778.

Acts and Laws of Vermont, 1779.

Allen, Ira, *A Vindication of the General Assembly of* Vermont, 1779.

Bradley, Stephen R., *Vermont's Appeal.* Hartford, 1779.

Journal of the General Assembly of Vermont, 1784.

Acts and Laws of Vermont, 1786.

Journal of the General Assembly of Vermont, 1788.

Burton, Asa, Election Sermon, 1795.

Allen, Ira, *Particulars of the Capture of the Ship* Olive Branch. London, 1798.

———, ——, *Extracts from Particulars.* Burlington, 1802.

———, ——, *Olive Branch,* 1802.

Journal of the General Assembly of Vermont, October, 1801. Windsor, 1802.

Allen, Ira, *Address to the Freemen of Vermont.* Philadelphia, 1808.

———, ——, *Copies of Letters to the Governor of Vermont* [on a Canal]. Philadelphia, 1810.

Such concentration on a subject places a new and remarkable instrument at the command of a student. At a comparatively low cost he can obtain what he wants in the photostat form, whereas before he must travel far and at great cost to see the piece he requires, and then under conditions prohibiting a careful examination and comparison — fruitful sources of the best results. Our knowledge of variations of title or text, implying distinct and hitherto unidentified issues, has been greatly enlarged and has led to important conclusions.

These advantages were strikingly shown in compiling Volume lxxv of the *Collections — Broadsides, Ballads, &c. printed in Massachusetts,* 1639–1800. The stray sheets listed and described in that volume, existing usually in a single copy, presented differences in issues which turned upon a comma, an arrangement of words in the caption, the presence or absence of an imprint, or some typographical form. Full identification and a proper bibliographical description were possible only by having at hand the original

or a perfect reproduction. Thousands of photostat negatives were obtained and when brought together permitted the preparation of a list which could not have been feasible without them. The Society has in this manner built up a mass of the issues of the Massachusetts press before 1800 equalled in no other institution. The more the record is studied the greater are the benefits in locating and explaining broadsides of local, personal, or national import.

An application to manuscript material is of equal, even greater moment, for the manuscript as a rule exists in only one example — unique in every sense of the word. A transcript in longhand offers many opportunities for error and does not give an idea of the one quality that may make the document of importance — the writing of the original. No two writings are exactly alike and the individuality measures and distinguishes the writer as does his face or carriage. The photostat reproduces the manuscript as it is, with every touch of peculiarity and handling of pen, the only feature absent being the marking or texture of the paper. Making allowance for that feature, useful only on rare occasions, the reproduction gives all that is needed for the searcher. Advantage has been taken of the knowledge of historical material to photostat it and so gradually accumulate what is of consequence in itself and of greater weight in relation to like material. A complete and instructive example of what can be effected in this way is the large number, thousands in the aggregate, of photostats of papers in the Archives of the Commonwealth, given to the Society by Mr. William V. Kellen. The collection includes everything of value dated before 1700, and the constant use and reference it permits, the opportunity it presents for recognizing writings, has brought, as it were, the Archives into the Society, a boon of immense purport to all who there find their occasions. Thousands of documents from public and private collections have been reproduced by our machine, contributing what will always be the largest aggregation of manuscript material in New England. As insurance against loss and injury to the original, this plan has everything in its favor.

The argument in favor of having a photostat of a unique record in a place other than that of the original need not be

given. Of such manuscript volumes reproduced by the Society the following are the more important:

Parliamentary debates, 1626.

Records of the Church of Plymouth, Mass., 1620–1858, since printed by the Colonial Society of Massachusetts.

Records of the Corporation of New England, 1655–1685, since printed by the Prince Society, Boston.

Rev. Thomas Shepard, Record of Experiences.

All known manuscripts of Roger Williams, 1629–1682, in combination with Mr. Howard M. Chapin, of the Rhode Island Historical Society.

Records of the West Parish of Barnstable, Mass., 1668–1807.

Boston, Bonds for Security against Strangers, 1679–1700.

Records of the Church of Milton, Mass., 1681–1918.

Records of the Third (Old South) Church of Boston, 1735–1819 and 1787–1823, two volumes.

Commonplace Book of Edmund Quincy, 1737–1776.

John Cotton's Indian Vocabulary.

Washington's Ledger A.

Paul Revere's Ledger, 1761–1797.

Massachusetts Charitable Society, 1762–1856.

Green Mountain Boys' Petition to the King, 1767.

Thomas Jefferson, Farm Book.

Catalogue of Library.

Expense Account, 1783.

John Fenno, Orderly Book, 1775.

Journal of Henry Hamilton, 1778–1782.

Caleb Gibbs, interleaved Almanac, 1780, with journal notes.

Massachusetts Society for the Promotion of Agriculture, 1792–1920.

Voltaire, New System of Theology [s. a.]

Our late Member, Mr. Charles P. Bowditch, had for some years secured photographs of documents and vocabularies of the native languages of Central America existing as manuscript but practically inaccessible. His deep interest in American Archaeology, which owes so much to his generous support, and his own investigations, led him far in this direction and the Peabody Museum in Cambridge benefited by his bounty

which amounted to munificence. On one occasion having a piece requiring haste he tested the photostat of the Society and was so gratified that he brought to it other manuscripts. The list of eleven that follows furnishes no conception of the size of some of the volumes — the Vocabularios, for example — but they bear witness to the trend and individuality of Mr. Bowditch's tastes. No other has given so much thought and money to further a knowledge of these languages and the large collection of examples in Cambridge forms a noteworthy memorial of one phase of his real intellectual concern.

Platicas de la Historia Sagrada en lengua Cacchi (Kekchi) del Siglo XVII mo.

Doctrina en Lengua Quiché.

Vocabulario de Lengua Kiche, 1787.

Diccionario Pocomichi-Castellano y Castellano-Pocomichi (XVIth century).

Martinez, Manuel breve Lengua Zapoteca, 1633.

Ydioma Zapoteco del Valle, 1793.

Maldonado, Arte de la Lengua Szinca, and Vocabulario de la Lengua Szinca, 1770.

Xiu Chronicles, 1608-1815.

Catechism in Testerian hieroglyphics, made for the Mexican Indians.

A Cajahon manuscript.

The same adequacy follows the use of the photostat in a study of maps, as suggested in the report of the Council. Here again the comparative study of charts gives a completion not approachable by any other method. The Society received the scrap-books of maps made by Justin Winsor when preparing his valuable notes for the *Narrative and Critical History of America*. He was obliged to depend upon tracings, lithographs without pretence to detail and photographs, on a greatly reduced scale, taken under all sorts of conditions. The collection, as it is, has many good points and served its purpose; but much more accurate and convenient series can now be made and at a fraction of the cost. The single gain in having the reproduction of the same size as the original does away with a most fertile source of

error and is correcting the many misconceptions based upon an imperfect or greatly reduced copy.

The undertaking which has made the greatest return to history and bibliography I have reserved to the last. In 1919 was instituted a systematic reproduction of such early Americana as either did not exist in this country or could be found in only one or two copies. The suggestion grew out of my requirements for a special purpose and a consciousness of the heavy risk to which the great collections of Europe were subject during the World War. Finding that Mr. Wilberforce Eames, of the New York Public Library, had much the same needs, we joined forces and proposed to obtain and reproduce for three libraries — the Massachusetts Historical Society, the New York Public and the John Carter Brown — those rarities. While the original plan involved securing what would assist investigators in that special field and was not to be found in the three libraries, the scope widened as the list developed and finally took the form of an informal agreement among ten leading libraries of Americana in the country, with the understanding that a library could at any time withdraw from the arrangement. Beginning with the three libraries named, Mr. Henry E. Huntington and Mr. William L. Clements were invited to participate, and to the five were added the Library of Congress, Yale University Library, the American Antiquarian Society, the Newberry Library and the State Historical Society of Wisconsin. Since the arrangement was entered into the libraries of Mr. Huntington and Mr. Clements have become public collections. The plan thus included libraries already strong in Americana and widely distributed, so as to make the material available in the larger centres of research. Thus far no one of the institutions in the combination has refused to take any of the reproductions.

Negatives have been obtained from many European sources — London, Paris, Brussels, Venice, Milan, Turin, Rome, Münich, Göttingen, Seville and Madrid, from private as well as public collections. American libraries, public and private, have given every facility in the use of what they possess. In no case has our request been refused and in every case the willingness to meet our wishes has been a most gratifying evidence of generous interest in advancing re-

search in this direction. In this connection it will be fitting also to express my appreciation of the confidence and support of the management of the ten libraries which have encouraged the engagement. I cannot speak too strongly of this spirit which is accomplishing so much to cultivate the study and spread a knowledge of the hitherto unattainable, and even unknown, publications on certain phases of American history. The photostats are made in this Society and are sent out in bound form. The first of the reproductions, the Paris edition of the Letter of Columbus, was distributed in August, 1919, and when the eleventh was reached the distribution of volumes became regular, two in each month. To April, 1925, one hundred and thirty-four pieces have been manufactured and distributed. The wide range of time and subject can best be seen from the list which follows this essay, in which a chronological arrangement has been adopted rather than the sequence of issue.[1] Six collections have supplied a century of items as follows: British Museum, 26; Henry E. Huntington, 21; Bibliothèque Nationale, 18; John Carter Brown, 17; New York Public, 12; and Public Record Office, London, 6.

Fourteen of these volumes were printed in the fifteenth century and thus properly belong to *incunabula;* forty in the first half of the sixteenth century; twenty in the second half; forty-six in the seventeenth century, and sixteen after 1700. Time appears to have little influence in fixing the value of a piece. A letter of Columbus, of which two or three copies are known, brings the same price in a dealer's catalogue as Greepe's *The True and Perfecte Newes* of the exploits of Drake, printed in 1587, nearly a century later than the Columbus item. Moving through another century, a *New England Primer* of a date before 1700 could match those prices. Rarity, notoriety, and the experience of fifty years would seem to be factors in determining the money value of a book, and the desire to possess is limited by the sum asked rather than by the historical worth. Arbitrary as the limit has been, the expectation that the extremely high prices would suffer a check or that they would draw from their hiding places other

[1] Mr. Eames has kindly read the proof of the list and made a number of corrections and suggestions.

copies has been met to a partial but not satisfying degree, and libraries can only wonder at the ascending bids and more strenuous competition, and await the advent of a generous donor. In the period of waiting the photostat series of reproduction will serve every purpose of investigation, historical or bibliographical, with the advantage of not involving the care and anxiety of possessing, showing or using an original of appalling money value.

Reviewing the operations of the photostat for ten years only emphasizes the benefits it has brought to the Society. It has opened new activities, attracted the scholarly specialist and casual investigator, permitted accumulation of historical material on a scale and in a manner not before conceivable, and has formed connections and led to an exchange of benefits which enriched all concerned in product and even more in a spirit of association.

PHOTOSTAT AMERICANA

1493

ALMEIDA, FERDINANDO DE. ¶ Ioanni secvndo portv | gallie regi invictissimo | ac pientissimo Ferd: de Al | meida electvs septin: di-| catissima sve maiestatis | creatvra perpet. foelici- | tatem. [Rome: Johannes Besicken, 1493.] 4 unnumbered leaves. 4to. **4**

Original in the Bodleian Library. Harrisse, BAV, No. 12.

COLOMBO, CHRISTOFORO. SENOR por que se que aureis plazer dela grand vitoria que nuestro señor me | he dado. [Barcelona: Pedro Posa, 1493.] 2 unnumbered leaves. Folio. **3**

Original, unique, in the New York Public Library.

——, ——. ¶ Epistola de insulis de | nouo repertis. Impressa | parisius in cãpo gaillardi [Printed by Guyot Marchant, 1493.] 4 unnumbered leaves. 4to. **1**

Original in the John Carter Brown Library. Harrisse, BAV, No. 5.

——, ——. ¶ Epistola Christophori Colom: cui etas nostra multũ debet: | de Insulis Indie . . . [Antwerp: Thierry Martens, 1493.] 4 unnumbered leaves. 4to. Thirty-eight lines to the full page. **35**

Original, unique, in the Bibliothèque Royale, Brussels.

——, ——. Epistola de insulis noui | ter repertis. Impressa parisius In campo gaillardi. [WOOD-CUT.] [Printed by Guyot Marchant, 1493.] 4 unnumbered leaves. 4to. **17**

Original in the Bodleian Library.

DATI, GIULIANO. [WOOD-CUT occupying recto of first leaf. On verso:] Omnipotẽte idio chl tutto regie | . . . [COLOPHON:] Finita la storia della inuentione delle nuoue insule di Channaria in | diane tracte duna pistola di Xp̃ofano cholombo e per messer Giuliano | dati tradutta . . . xv de giunio M. cccc. xciii. | Rome. 4 unnumbered leaves. 4to. **116**

Original, unique, in the Biblioteca Colombina, Seville.

——, ——. ¶ Questa e la hystoria della inuentiõ delle diese Isole di Cannaria In | diane extracte duna Epistola di Christofano columbo . . . xxv. doctobre. | M. cccclxxxxiii. [COLOPHON:] Joannes dictus Florentinus. First and last leaves only. 4to. **41**

Original, unique, in the British Museum. Harrisse, BAV, No. 8.

——, ——. ¶ La lettera dellisole che ha trouato nuouamente il Re dispagna. [WOOD-CUT. On verso:] Omnipotẽte idio ch tucto regge | . . . [COLOPHON:] ¶ Finita lastoria della ĩuẽtione del- | le nuoue isole dicãnaria ĩdiane . . . xxvi. docto- | bre. 14.93. | Florentie 4 unnumbered leaves. 4to. **67**

Original, unique, in the British Museum. Harrisse, BAV, No. 9.

1494

DATI, GIULIANO. [In a border:] Inuoco echiamo q̃l degnio signiorꝰ | . . . [COLOPHON:] ¶ Finito el secondo | cãtare dellindia cioe: | . . . In Roma lan | no tertio dalexandro | sexto. 4 unnumbered leaves. 4to. **80**

Original, unique, in the Biblioteca Casanatense, Rome. Harrisse, BAV, p. 43*n*.

SYLLACIUS, NICOLAS. Ad sapiẽtissimũ Ludouicũ Mariã Sfortiã Anglũ septimũ Medio | lani Ducẽ: de ĩsulis meridiani atq; ĩdici maris . . . [Pavia, 1494?] 10 unnumbered leaves. 4to. **105**

Original in New York Public Library. Harrisse, BAV, No. 16.

1495

DATI, GIULIANO. ¶ La lettera dellisole che ha trouato nuouamente el Re dispagna [WOOD-CUT. On verso:] Omnipotente idio ch tucto regge | . . . [COLOPHON:] ¶ Finita lastoria della ĩuẽtiõe delle | nuoue isole dicãnaria ĩdiane . . . xxvi. doctobre. m. cccc.lxxxxv Florentie 4 unnumbered leaves. 4to. **33**

Original, unique, in the Henry E. Huntington Library.

1497

COLOMBO, CHRISTOFORO. Señor por que se que aureis plazer dela grand | victoria . . . [Valladolid: Pedro Giraldi and Miguel de Planes, about 1497.] 4 unnumbered leaves. 4to. **56**

Original, unique, in the Biblioteca Ambrosiana, Milan. Harrisse, BAV, No. 7.

INGHERAMIUS, TOMAS, *called* PHAEDRUS. [On verso of first leaf:] Garsilasso Mendoze dela Vegha Serr: & Catholl: Re | gis & Regine Hispanie . . . 12 unnumbered leaves. 4to. **44**

Original in John Carter Brown Library. Harrisse, BAV, Add., No. 4.

1504

Libretto De tutta La Nauigatio | ne De Re De Spagna De Le | Isole Et Terreni No- | uamente Trouati. [COLOPHON:] Stampado in Venesia per Albertino Vercelle | se da Lisona a di. x. de aprile [An?] M.ccccc.iiii. 15 unnumbered leaves. 4to. **30**

Original in the John Carter Brown Library. Harrisse, BAV, No. 32 and Add. No. 16.

VESPUCCIUS, AMERICUS. Mundus nouus. | Albericus Vesputius Laurentio Petri. | . . . [Basle, Michael Furter, 1504.] 4 unnumbered leaves. 4to. **22**

Original in the New York Public Library. Harrisse, BAV, No. 24.

——, ——. ¶ Mundus nouus. [Paris, Berthold Rembolt.] 8 unnumbered leaves. 8vo. **6**

Original in the New York Public Library. Harrisse, BAV, No. 25.

——, ——. Mundus Nouus | ¶ De natura et moribus et ceteris id gñis get | . . . [Antwerp, Hans Eckert van Homberch for W. Vosterman.] 4 unnumbered leaves, wood-cut on verso of leaf 4. 4to. **31**

Original in the New York Public Library. Harrisse, BAV, No. 29.

——, ——. Mũdus nouus. | ¶ Albericus vesputius Laurentio petri de medicis | . . . [Cologne. Johannes Landen, 1504.] 4 unnumbered leaves, 42 lines to full page, and wood-cut on verso of last leaf. 4to. **29**

Original, unique, in the Henry E. Huntington Library.

VESPUCCIUS, AMERICUS. Mundus Nouus [Augsburg, Johannes Otmar.] 4 unnumbered leaves. 4to. **18**

Original in the New York Public Library. Harrisse, BAV, No. 22.

——, ——. Mundus nouus [DEVICE of DENIS ROCE, Paris.] 8 unnumbered leaves. 8vo. **14**

Original in the New York Public Library. Harrisse, BAV, No. 27.

——, ——. Mundus nouus. [DEVICE of GILLES DE GOURMONT, Paris, 1504.] 8 unnumbered leaves. 8vo. **9**

Original in the New York Public Library. Harrisse, BAV, No. 28.

VESPUCCIUS, AMERICUS. Mundus | Nouus. [Venice, Joannes Baptista Sessa.] 4 unnumbered leaves. 4to. Small figure on recto of leaf 4. **99**

Original in the British Museum.

1505

COLOMBO, CRISTOFORO. Copia de la lettera per Columbo | mandata ali Sere^mo Re e Regi | na di Spagna: de le insule et | luoghi per lui trouate. [COLOPHON:] Stampata in Venetia (a nome | de Constantio Bayuera cita | dino di Bressa) per Si- | mone de Louere. a di | 7. di Mazo. 1505. 7 unnumbered leaves. 4to. **34**

Original in the Biblioteca Marciana, Venice. Harrisse, BAV, Add., No. 17.

VESPUCCIUS, AMERICUS. Von der neüw gefunden Region | die wol ain welt genent mag werden-durch den Cristenlichen | künig von portugal-wunderbarlich erfunden. [WOOD-CUT.] 7 unnumbered leaves. 4to. **43**

Original in the British Museum. Harrisse, BAV, No. 34.

VESPUCCIUS, AMERICUS. Lettera di Amerigo vespucci | delle isole nuouamente | trouate in quattro | suoi viaggi. [WOOD-CUT. Florence, 1516.] 16 unnumbered leaves. 4to. **47**

Original in the British Museum. Harrisse, BAV, No. 87.

1506

[Carta de privilegio.] Este es traslado bien y fielmente sacado de vna carta de priuilegio delos | catolicos reyes don Fernando y doña Ysabel . . . [Given at Burgos, April 23, 1497. Salamanca, Hans Giesser, about 1506.] 4 unnumbered leaves, the last blank. Folio. **15**

Original, unique, in library of the Duquesa de Berwick y Alba.

1507

LUDD, GUALTER. Speculi Orbis succinctiss. sed | neq; poenitenda neq; | inelegans Declara- | tio et Canon. Strassburg, Joannis Grüniger, [1507.] 4 unnumbered leaves. Folio. **109**

Original in the British Museum. Harrisse, BAV, No. 49.

1508

DIONYSIUS. Situs orbis Di- | onisii Ruffo aui- | eno interprete. [WOOD-CUT.] Vienne, M d viij 26 unnumbered leaves. Folio **106**

Original in the British Museum. Harrisse, BAV, No. 93.

VESPUCCIUS, AMERICUS. Die reyse vā Lissebone om te varē na dz' eplādt | Naguaria in groot Indien gheleghen | . . . [WOOD-CUT. COLOPHON:] Gheprent Thantwerpen . . By my | Ian van Doesborch. Intiaer | M. D. viij. ī December [PRINTER'S DEVICE.] 12 unnumbered leaves. 4to. **90**

Original in the John Carter Brown Library. Proctor, Jan van Doesborgh, No. 4.

——, ——. Van der nieuwer werelt oft landtscap | nieuwelicx gheuōdē vādē doorluch | tighē coñ. vā Portugael door dē | alder bestē pyloet ofte zeekender d'werelt. [WOOD-CUT. COLOPHON:] Gheprent Thantwerpen . . . Bi Iā vā Doesborch. 8 unnumbered leaves. 4to. **81**

Original in the John Carter Brown Library. Harrisse, BAV, Add., No. 15. Proctor, Jan van Doesborgh, No. 3.

——, ——. Von den nüwē In- | sulē und landen so yetz kürtzlichen | erfunden synt durch den Künig von Portugall. [Two wood-cuts, as in the Strassburg edition of 1505, not yet distributed in the series. COLOPHON:] ¶ Getruckt zū Strassburg in dem fünfftzē | hundersten vnd acht Jar. | [WOOD-CUT.] 8 unnumbered leaves. 4to. **49**

Original in the New York Public Library. Harrisse, BAV, No. 40.

1511

ALEXANDER VI. ¶ Copia dela bula dela concession q̄ hizo el papa Alexandre sexto | al Rey & ala Reyna nuestros señores: delas Indias. 1 sheet. **12**

Originals in the John Carter Brown Library and in the Library of Congress Harrisse, BAV, Add., No. 1.

WALDSEEMÜLLER [HYLACOMYLUS], MARTIN. Instrvctio manvdvctionem | prestans in cartam itine | rariam Martini Hilaco | mili: . . . Strassburg: Joannes Grüniger, M. D. XI. Men | se Aprili. 21 numbered leaves. 4to. **93**

Original in the John Carter Brown Library.

1519

RASTEL, JOHN. ¶ A new interlude and a mery of the | nature of the .iiij. elementes . . . [London, 1519.] 33 unnumbered leaves. 8vo. **96**

Original, unique, in the British Museum.

1520

Littera mādata della Insula de Cu | ba de India in laquale se cotie | ne de le insule Citta Gente | et animali nouamente | trouate de lanno. | M. d. xix. per li | Spagnoli. [WOOD-CUT.] 8 unnumbered leaves. 4to. **42**

Original in the Biblioteca Marciana, Venice. Harrisse, BAV, Add., No. 60.

PIGGHE, ALBERT. [*In a border:*] Albertvs Pi | ghivs Campen | sis de Aeqvinoctiorvm Sol- | sticiorūque inuentione . . . [Paris, 1520.] 30 unnumbered leaves. Folio. **40**

Original in the Bibliothèque Nationale, Paris. Harrisse, BAV, No. 107.

[*In a border:*] ¶ Provinciae sive | Regiones in India | occidentali novi | ter repertae in | vltima na- | vigatio- | ne: [1520] 14 unnumbered leaves. 4to. **20**

Original in the John Carter Brown Library. Harrisse, BAV, No. 101.

[*In a border:*] ¶ Of the newe lādes and of ye people | founde by the messengers of the kyn | ge of portūgale named Emanuel. . . . [WOOD-CUT. COLOPHON:] Emprenteth by me Johñ of Doesborowe. [WOOD-CUT.] 24 unnumbered leaves. 4to. **58**

Original in the British Museum. Harrisse, BAV, No. 116. Proctor, Jan van Doesborgh, No. 22.

1522

[*In a border:*] Noue de le Isole & Terra fer | ma Nouamente trouate | In India per el Capi | taneo de larmata | de la Cesarea | Maiestate, 6 unnumbered leaves. 4to. **37**

Original in the British Museum. Harrisse, BAV, No. 119.

1523

CORTES, HERNANDO. Des Marches, . . . [Antwerp, Michiel Hillen de Hoochstraten, 1523.] 15 unnumbered leaves. 4to. **5**

Original, unique, in the Henry E. Huntington Library. The first leaf is wanting but probably had the same wood-cut as appears in the Flemish version following and the same words as title. Harrisse, BAV, Add., No. 73.

——, ——. De Contreyen vanden Eylanden ende | Lantdouwen: gheuondē ende Ghecon | questeert byden Capiteyn vandē alder | Doorluchtichsten Aldermoghensten ende | Onuerwinlijcsten Kaerle Ghecoren | Roomsch Keysere. [WOOD-CUT. COLOPHON:] ¶ Gheprint Tantwerpen bi mi Michiel van | Hoochstraten Int iaer ons heren. M. | CCCCC. eñ XXIII. 30 unnumbered leaves. 4to. **28**

Original in the Bibliothèque Nationale.

MAXIMILIANUS, *Transylvanus*. De Molvccis in | sulis, . . . [PRINTER'S DEVICE.] Parrhisijs | In via Iacobea sub Leone argenteo | 1523 16 unnumbered leaves. 8vo. **38**

Original in the Henry E. Huntington Library. Not in Harrisse.

1525

ARIAS D'AVILA, PIETRO. ¶ Lettere di Pietro Arias | Capitano Generale della conqui | sta del paese del Mar Occeano | Scripte alla Maesta Cesarea | dalla Cipta di'Panama del | le cose Vltimamente | scoperte nel Mar Me | ridiano decto el Mar | Sur M D XXV. [WOOD-CUT.] 4 unnumbered leaves. 4to. **2**

Original in the British Museum. Harrisse, BAV, No. 132.

1527

LA SALLE, ANTOINE DE. ¶ La Salade nou- | uellemēt Imprimee | a paris | . . . Paris: Philippe Le Noir, 1527. 62 unnumbered leaves. Folio. **113**

Original in the Bibliothèque Nationale. Harrisse, BAV, No. 140.

1531

PARMENTIER, JEAN, *and* PIERRE CRIGNON. Description | Novvelle des Merveilles | de ce mõde, & de la dignite de lhomme, . . . [COLOPHON:] Imprime a paris / en la rue de Sorbonne. Le | septiesme iour de Januier. Lan | de grace Mil. D. | xxxi. 48 unnumbered leaves. 4to. **32**

Original in the Bibliothèque Nationale. Harrisse, BAV, Add., No. 96.

1532

Martin de Valencia. [*In a border:*] ¶ Passio gloriosi marty | ris beati patris fratris Andree de Spoleto. . . . [COLOPHON:] A Tholoze Mil cinq cens. xxxij. 6 unnumbered leaves. 4to. **53**

Original in the Bibliothèque Nationale. Harrisse, BAV, Add., No. 97.

BERNAL, JEHAN DE. [*In a border:*] ¶ Lettres enuoyees au | chapitre general des freres Mineurs . . . [Tholose, c. 1532.] 10 unnumbered leaves. 4to. **48**

Original in the Bibliothèque Nationale. Harrisse, BAV, Add., No. 98.

1534

[*In a border:*] Nouuelles certai | nes des Isles | du Peru. 1534. [PRINTER'S DEVICE.] On les vend a Lyon ches Frãcoys | Juste deuãt Nostre dame | de Confort. 9 unnumbered leaves. 8vo. **62**

Original in the British Museum. Harrisse, BAV, No. 196.

1537

NUÑEZ, PERO. [*In a border:*] Tratado da sphera | coma Theorica do Sol . . . Lisboa, Germanus Galharde, 1537. 90 unnumbered leaves. Folio. **21**

Original in the Henry E. Huntington Library.

1538

[On leaf 2:] Copia di vna lettera di Sybilia venuta al signor don Lope | Imbasciadore Cesareo in Venetia, [February 8, M.D.xxxviij.] 2 unnumbered leaves. Folio. **72**

Original in the Biblioteca Magliabechiana, Florence. Harrisse, BAV, Add., No. 118.

1544

CABOT, SEBASTIAN. Declaratio | chartæ novæ navi | gatoriæ Domini Almirantis. [Antwerp, 1544?] 24 unnumbered leaves. 4to. **26**

Original in the Henry E. Huntington Library.

1545

CARTIER, JACQUES. Brief recit, & | succincte narration, de la nauigation faicte es ysles de Canada, Ho- | chelaga & Saguenay & autres, auec | particulieres . . . Paris, 1545. 48 numbered leaves. 8vo. **121**

Original, unique, in the British Museum.

FERRER, JAIME. Sentencias | Catholicas | del divi, poeta | Dant Floren | ti . . . M. D. XXXXV. [Barcelona.] 40 unnumbered leaves. 8vo. **77**

Original in the Bibliothèque Nationale. Harrisse, BAV, No. 261.

1549

ALBENINO, NICOLAS DE. [In a border:] Verdadera | relacion: delo sussedido | enlos Reynos eprouin- | cias dl Peru . . . Seville, Juan de leon, M. D. xlix. 79 unnumbered leaves. 8vo. **123**

Original in the Bibliothèque Nationale. Harrisse, BAV, No. 290.

1557

FERNANDEZ OVIEDO Y VALDÉS, GONZALO. Segvnda | parte de la natural y general | historia de las Indias, yslas y tierra firme del | mar Occeano . . . [Valladolid: Francisco Fernandez de Cordova. 1557.] 64 numbered leaves. Folio. **100**

Original in the Ayer Collection, Newberry Library. First issue, with the general title of the second part on the recto of folio 1, as given by the author. The printing was begun after his return from America in the autumn of 1556, and had reached the beginning of book 21, on the verso of folio 64, when it was interrupted by his death in the summer of 1557. In the second issue of the same year, the first and final leaves were reprinted, and the above title was replaced by one describing it as a fragment, Libro XX. de la segunda parte, and with a note added at the end, that no more was printed because the author had died. — EAMES.

[*In a border:*] ¶ Relaçam verdadei | ra dos trabalhos q̃ | ho gouernador | dõ Fernãdo de | souto . . . descobrimẽto da | prouincia da Fro | lida. . . . Evora, Andres de Burgos. 1557. 180 numbered leaves. 8vo. **117**

Original in the British Museum.

1559

ALFONCE, JEAN. Les | Voyages auantureux | dv Capitaine | Ian Alfonce, | Sainctongeois. [PRINTER'S DEVICE.] Auec Priuilege | du Roy. | A Poitiers, au Pelican, par Ian de Marnef. [April, 1559.] 68 numbered and 28 unnumbered leaves. 4to. **10**

Original in the Henry E. Huntington Library.

FONTAINE, CHARLES. La | Description | des Terres tro- | vees de nostre | Temps. | . . . [PRINTER'S DEVICE.] A Lyon, | Par Benoit Rigavd. | M.D.LIX. 14 unnumbered leaves. 8vo. **127**

Original in the British Museum.

1563

SEALL, ROBERT. ¶ A Cõmendation of the aduẽterus viage of | the wurthy Captain. M. Thomas Stutely Esquyer and others, | towards the Land called Terra florida. ¶ Imprinted at Londõ at the long Shop | adioyning vnto Saint Mildreds Churche in the Pultrie, | by John Alde. Broadside. **107**

Original in the Henry E. Huntington Library, from the Christie-Miller collection.

1566

LE CHALLEUX, NICOLAS. [*In a border:*] A true and perfect de- | scription, of the last voy- | age or Nauigation, attempted by | Capitaine Iohn Rybaut, deputie | and generall for the French men, into | Terra Florida, this yeare past. 1565.... Imprinted | at London by Henry Denham, | for Thomas Hacket, ... 28 unnumbered leaves. 8vo. **13**

Original in the British Museum.

1569

HAWKINS, JOHN. [*In a border:*] ¶ A true | declaration of the | troublesome voy- | adge of M. John Hau- | kins to the parties of | Guynea and the west | Indies, in the yea- | res of our Lord | 1567 and | 1568. | ¶ Imprinted at | Londõ in Poules Church- | yarde, by Thomas Purfoo- | te for Lucas Harrison, | dwelling at the sig- | ne of the Crane. | Anno. 1569. 15 unnumbered leaves. 8vo. **51**

Original in the British Museum.

1578

CHURCHYARD, THOMAS. [*In a border:*] A Discovrse of | The Queenes Maiesties enter- | tainement in Suffolk and Norffolk: | ... At London, | Imprinted by Henrie Bynneman. [1578.] 44 unnumbered leaves. 4to. **79**

Original in the Henry E. Huntington Library.

——, ——. A Prayse, and Reporte | of Maister Martyne Forboishers | Voyage to Meta Incognita. | ... Imprinted at London for | Andrew Maunsell in Paules | Churchyard at the signe | of the Parret. [1578.] 23 unnumbered leaves. 8vo. **70**

Original in the British Museum.

ELLIS, THOMAS. [*In a border:*] A true report of | the third and last | voyage into Meta incog- | nita: atchieued by the | worthie Capteine, M. | Martine Frobi- | sher Esquire, | Anno, 1578. | ... ¶ Imprinted at London, at | the three Cranes in the Vintree, | by Thomas Dawson. 20 unnumbered leaves. Map. 8vo. **60**

Original in the Henry E. Huntington Library.

1579

TAISNIER, JEAN. [*In a border:*] A very necessarie and | profitable Booke concer- | ning Nauigation, compiled in | Latin by Ioannes Taisnie- | rus, . . . Translated into Englishe, by | Richarde Eden. . . . ¶ Imprinted at London by | Richarde Iugge. [1579.] 42 unnumbered leaves. 8vo. **86**

Original in the John Carter Brown Library.

1582

BUDEIUS, STEPHANUS. De Navigatione | illvstris et magnanimi | Equitis Aurati Humfredi Gilberti, ad deducen- | dam in novem orbem coloniam | suscepta, carmen. | Londoni, | Apud Thomam Purfutium. | An. 1582. 8 unnumbered leaves. 4to. **78**

Original in the British Museum.

1583

CARLILE, CHRISTOPHER. A discourse vpon the entended | Voyage to the hethermoste partes of America: | written by Captain Carleill, for the better in- | ducement to satisfie suche Marchauntes . . . 8 unnumbered leaves. 4to. **98**

Original in the John Carter Brown Library. The year is 1583, not 1581 as sent out.

Copie | d'vne Lettre | missive envoyee avx Gov | uerneurs de la Rochelle, par les Capitaines | des Galleres de France, sur la victoire qu'il | ont obtenues contre les Mores & Sau- | uages, faisant le voyage de l'Isle de | Floride, & du Bresil. . . . Suyuant la coppie imprimee a la Ro- | chelle par Iean Portau. | 1583. 8 pages [the final page or leaf is wanting.] 8vo. **16**

Original in the Bibliothèque Nationale.

1587

ESPEJO, ANTONIO DE. New Mexico. | Otherwise, | The Voiage of Anthony of | Espeio, who in the yeare 1583. with | his company, discovered a Lande of 15. | Prouinces, . . . Imprinted at London for | Thomas Cadman. [1587.] 16 unnumbered leaves. 8vo. **50**

Original in the Henry E. Huntington Library.

GREEPE, THOMAS. The true and perfecte | Newes of the woorthy and valiaunt ex- | ploytes performed and doone by that valiant Knight Syr | Francis Drake: Not onely at Sancto Domingo, and Car- | thagena, but also nowe at Cales, and vppon | the coast of Spayne. | 1587. [WOODCUT.] Printed at London by I. Charlewood, | for Thomas Hackett. 12 unnumbered leaves, 4to. **114**

Original in the British Museum.

1588

Vera Relatione | Di tutto quello che la Flot- | ta della Maestà del Rè | Cattolico hà portato, | Tornando dalla Terra ferma, Noua | Spagna, & San Domenico, | l'Anno 1587. [WOOD-CUT.] In Roma, Per gli Heredi di Gio. Gi- | gliotti, & ristampata in Ferrara, | Presso Vittorio Baldini. 1588. 4 unnumbered leaves. 4to. **74**

Original in the William L. Clements Library.

1589

Sir Francis Drake knight Generall of the | whole Fleete of the West Indian voiage in 1585. 5 unnumbered pages. Folio. **76**

Original in the Society of Antiquaries, London. They are intended to be attached to the plates in Bigges, *A Summarie and true Discourse of Sir Frances Drakes West Indian Voyage*, London, 1589.

1595

DAVIS, JOHN. The | Worldes Hy- | drographical | Discription. | . . . Published by I. Dauis of Sandrudg by Dartmouth in | the Countie of Devon, Gentleman. Anno 1595. | May 17. | Imprinted at London by Tho- | mas Dawson dwelling at the three | cranes in the vinetree. | And are there to be sold. | 1595. 24 unnumbered leaves. 8vo. **133**

Original in the British Museum.

ROBERTS, HENRY. Lancaster his Allarums, | honorable Assaultes, and supprising of | the Block-houses and Store-houses be- | longing to Fernand Bucke in | Brasill. | . . . Imprinted at London by A. I. for VV. Barley | and are to be solde . . . 12 unnumbered leaves. 4to. **69**

Original in the John Carter Brown Library.

1607

NICHOLL, JOHN. An | Houre Glasse of Indian Newes. | Or | A true and tragicall discourse, shewing the | most lamentable miseries, and distressed Calami- | ties indured by 67 Englishmen, which were sent | for a supply to the planting in Guiana in | the yeare. 1605. . . . London | Printed for Nathaniell Butter, and are to bee | solde at his Shop neere Saint Austens Gate. | 1607. 22 unnumbered leaves. 4to. **131**

Original in the Henry E. Huntington Library.

1610

RICH, ROBERT. Nevves from Virginia. | The lost Flocke | Triumphant. | With the happy Arriuall of that famous and | worthy Knight Sr. Thomas Gates: and the well | reputed & valiant Captaine Mr. Chri- | stopher

Newporte, and others, | into England.... London | Printed by Edw: Allde,... 1610. 7 unnumbered leaves. 4to. **65**

Original in the Henry E. Huntington Library.

1611

COUNCIL FOR VIRGINIA. Two broadsides on the emigration to Virginia. [On one:] Imprinted at London for William Welby, 1611. **111**

Originals in the Society of Antiquaries, London.

1615

ROBINSON, JOHN. A | Manvmissi- | on to a Manv- | dvction, | or Answer to a Letter inferring pub- | lique communion in the parrish assemblies upon private | with godly persons there. | ... Anno Domini. 1615. 24 pages. 4to. **73**

Original in the British Museum.

1616

COUNCIL FOR VIRGINIA. A Briefe De- | claration of | the present state of things in Virginia,... [London, 1616.] 8 pages. 4to. **11**

Original in the John Carter Brown Library.

1620

[Royal arms.] ¶ By the King. | A Proclamation declaring his Maiesties plea- | sure concerning Captaine Roger North, and those who | are gone foorth as aduenturers with him. Dated: May 15. Imprinted at London by Robert Barker, and | John Bill, Printers to the Kings most Ex- | cellent Maiestie. | Anno Dom. M.DC.XX. 2 printed sheets. **89**

Original in Queen's College, Oxford.

1621

Orders | and | Articles | granted by the | High and Mightie Lords | the States General of | the Vnited Provinces, | Concerning the erecting of a VVest India | Companie: | ... Printed Anno Dom. | M. DC. XXI. 9 unnumbered leaves. 4to. **54**

Original in the Henry E. Huntington Library.

SPARKE, MICHAEL. Greevovs | Grones | for the Poore. | Done by a Well-willer, who wisheth, That the | poore of England might be so proui- | ded for, as none should neede to go a begging | within this Realme.... London | Printed for Michaell Sparke. | 1621. 3 unnumbered leaves, 22 pages and 1 unnumbered leaf. 4to. **83**

Original in the Henry E. Huntington Library.

1622

COUNCIL FOR VIRGINIA. A Declaration how the monies (viz. | seuenty pound eight shillings sixe | pence) were disposed, which was gathered | (by M. Patrick Copland, Preacher in the Roy- | all Iames) . . . [COLOPHON:] Imprinted at London by F[elix] K[ingston] 1622. 7 pages. 8vo. **87**

Original in the Henry E. Huntington Library.

1623

Ordonnances, | Privileges, | Franchises, | et Assistances | octroyez & concedez. | . . . A la Compagnie des Indes Occidentales, | . . . A Paris, | . . . M.DC.XXIII. 2 unnumbered leaves and 36 pages. 4to. **82**

Original in the Bibliothèque Nationale.

A Trve | Relation | of that vvhich | lately hapned to | the great Spanish Fleet, and Ga- | leons of Terra Firma in America. | . . . London | Printed for Nathaniel Butter, Nicholas Bourne, | and William Sheffard, 1623. 2 unnumbered leaves and 28 pages. **91**

Original in the Henry E. Huntington Library.

1625

Considerations | tovching | the nevv contract for | Tobacco, | as the same hath | beene propounded by Maister | Ditchfield, and other | vndertakers. | Printed 1625. 1 unnumbered leaf and 11 pages. 4to. **94**

Original in the Henry E. Huntington Library.

1626

GUIANA. Three broadsides: (1) Breefe notes of the Riuer Amazones, and of the coaste of | Guiana, . . . (2) The Coppie of the Preamble, for the Subscriptions, | intimating the conditions of Aduenture. (3) A breefe Relation of the present state of the busines of Guiana, | Concerning the proceding therein. June 20, 1627. **19**

Originals in the Public Record Office, London.

1630

GOODALL, BAPTIST. [*In a border:*] The | Tryall | of Travell | or, | 1. The Wonders in Trauell, | 2. The Worthes of Trauell, | 3. The Way to Trauell. | . . . London, | Printed by John Norton, . . . 1630. 40 unnumbered leaves. 4to. **126**

Original in Henry E. Huntington Library.

1632

LE JEUNE, PAUL. Brieve | Relation | dv Voyage | de la | Novvelle France, | . . . A Paris, | chez Sebastien Cramoisy. . . . M. DC. XXXII. 68[1] pages. **112**

Original in the Ayer collection in the Newberry Library.

1641

EVELYN, ROBERT. A | Direction | for Adventvrers | With small stock to get two for one, | . . . And the true Description of the healthiest, pleasantest, and richest | plantation of new Albion, in North Virginia, . . . Printed in the yeare, 1641. 4 unnumbered leaves. 4to. **71**

Original in the Henry E. Huntington Library.

1643

[*In a border:*] An | Ordinance | of the | Lords and Commons | Assembled in Parliament, | Whereby Robert Earle of Warwicke | is made Governour in chiefe, . . . London, | Printed for Iohn Wright in the Old-baily, | Novemb. 3. 1643. 1 unnumbered leaf and 6 pages. 8vo. **102**

Original in the British Museum.

Waerschovwinge, | Verboth, ende Toe-latinghe, weghens de Colonie van | Renselaers-wyck. t'Amsterdam, Gedruckt by Theunis Jacobsz. inde Historie van Iosephus. [And:] Iusuatie, Protestatie, ende Presentatie van weghen | den Patroon van de Colonie van Rensselaers-wijck. Signed: Kiliaen van Rensselaer. 2 broadsides. **59**

Originals in a private collection, Holland.

1651

BLAND, EDWARD. The | Discovery | of | Nevv Brittaine. | Began August 27. Anno Dom. 1650. | . . . London, | Printed by Thomas Harper for John Stephenson, at the | Sun below Ludgate. M. DC. LI. 4 unnumbered leaves and 16 pages. Plate and map (Farrer-Goddard). 4to. **85**

Originals in New York Historical Society and the Henry E. Huntington Library.

Acte d'Association | passé entre les sous-signez, & Reconnu par- | deuant Rallu & Blanche Notaires, pour l'é- | tablissement des Colonies dans la Terre Ferme | de l'Amerique. 8 pages. Folio. **118**

Original in the Bibliothèque Nationale.

Lettres patentes dv Roy, | en Forme de Concession, accordées aux sieurs de l'Isle | Mariuault, de Royuille & leurs Associez pour l'Eta- | blissement des Colonies dans la Terre Ferme de l'Ame- | rique. 7 pages. Folio. **134**

Original in the Bibliothèque Nationale.

1652

Articles et Statvts | passez & arrestez entre les Seigneurs associez | de la Compagnie de Terre ferme de l'Amerique | ou France Equinoctiale, . . . 37 pages. Folio. **64**

Original in the Bibliothèque Nationale.

1653

Lettre | escrite | de Cayenne; | contenant ce qvi | s'est passé en la descente des | François, et leur établissement | en l'Amerique. A Paris, | chez Gvillavme de Lvyne, . . . M. DC. LIII. 14 pages. 4to. **88**

Original in the Bibliothèque Nationale.

Memoire | povr servir | de breve instruction, tant aux | Directeurs & Commissionnaires | Provinciaux de la grande Com- | pagnie de l'Amerique, . . . A Paris, | Chez Gvillavme de Lvyne, . . . M. DC. LIII. 34 pages. Folio. **68**

Original in the Bibliothèque Royale.

1655

HAMMOND, JOHN. Hammond versus Heamans. | Or, An | Ansvver | To an audacious Pamphlet, | published by an impudent and ri- | diculous Fellow, named | Roger Heamans, | . . . Printed at London for the use of the Author, and are to | be sold at the Royall Exchange in Cornhill. 1 unnumbered leaf and 17 pages. 8vo. **24**

Original in the British Museum.

HEAMAN, ROGER. An Additional brief | Narrative | Of a late | Bloody Design | Against | The Protestants in Ann Arundel | County, and Severn, in Maryland in the | Country of Virginia. | . . . London, | Printed for Livewell Chapman at the Crown | in Popes-Head-Valley. 1655. 1 unnumbered leaf and 14 pages. 8vo. **23**

Original in the British Museum.

1656

Copie de devx | Lettres | envoiées de la | Novvelle France, | . . . A Paris, | Chez Sebastien Cramoisy . . . M. DC. LVI. 28 and 16 pages. 8vo. **108**

Original in the Bibliothèque St. Geneviève, Paris.

1657

Edict dv Roy, | povr | l'Etablissement | de la compagnie de la Nou- | uelle France. | Auec l'Arrest de verification de la Cour de | Parlement de Paris. [ROYAL ARMS.] A Paris, | Chez Sebastien Cramoisy Imprimeur | ordinaire du Roy, & de la Marine. | M. DC. LVII. 16 pages. Folio. **57**

Original in the Bibliothèque Nationale.

1659

GODFREY, EDWARD, *and others*. To the Right Honourable | The Parliament of the Common-Wealth of | England, | And the Dominions thereto belonging. | The Humble Petition of Edward Godfrey, Oliver Godfrey,

Far- | dinad Gorges, Robert Mason, and Edward Rigby, Henry | Gardner, and sundry others of Pattentees and Inhabitants of the | Provinces of Mayne, and Liconia, in New England. Broadside. **27**

Original in the Public Record Office.

1660

LALLEMANT, JÉRÔME. Lettres | envoiées | de la Novvelle France | ... A Paris, | chez Sebastien Cramoisy, | ... M. DC. LX. 49[2] pages. 8vo. **104**

Original in the Bibliothèque Nationale.

1664

Accords-Puncta/ | welcher gestalt | Am 8. Septembr. st. n. 1664. | Neu-Niederland | an die | Engländer | sonder einige segenwehr übergangen/ | wie solches Cymon Gilde von Rarop/ Schif- | fer auff dem Schiffe Gideon/ von denen Menates oder | Neu-Amsterdam in Neu-Niederland kom̃end/ | mitbracht | Am 27. Augusti st. v. 1664. 2 unnumbered leaves. 4to. **120**

Original in the John Carter Brown Library.

1665

DANFORTH, SAMUEL. [*In a border:*] An | Astronomical Description | of the late | Comet | or | Blazing Star, | ... Cambridge | Printed by Samuel Green, 1665. 1 unnumbered leaf and 22 pages. 8vo. **63**

Original in the Massachusetts Historical Society.

1676

TOMPSON, BENJAMIN. [*In a border:*] New Englands Crisis. | Or a brief | Narrative, | Of New-Englands Lamentable | Estate at present, ... Boston, | Printed and sold by John Foster, over against | the Sign of the Dove. 1676. 31 pages. 8vo. **75**

Original in the Henry E. Huntington Library.

1678

FOX, GEORGE. Something in | Answer | to a | Letter | (which I have seen) Of | John Leverat Governour of Boston, | to | William Coddington Governour of Rode-Island, | Dated, 1677. | Wherein he mentions my Name, and also | wherein John Leverat justifies Roger Williams's | Book of Lyes. 12 pages. 4to. **61**

Original in the John Carter Brown Library.

WILLIAMS, ROGER. An | Answer | to a | Letter | Sent from Mr. Coddington of Rode- | Island, to Governour Leveret of Boston | in what concerns R. W. of Providence. 10 pages. 4to. **66**

Original in the Rhode Island Historical Society.

1681

PENN, WILLIAM. A brief Account of the | Province of Pennsylvania, | Lately Granted by the | King, | under the Great | Seal of England, | to | William Penn | and his | Heirs and Assigns. [COLOPHON:] London, | Printed for Benjamin Clark in George-yard in Lom-bard- | street. 1681. 8 pages. Folio. **115**

Original in the Henry E. Huntington Library. A map has been added from a copy in the Library of Congress — the first map of Pennsylvania (Thornton and Seller).

1684

PENN, WILLIAM. Information and Direction | to | Such Persons as are inclined | to | America, | more | Especially Those related to the Province | of | Pennsylvania. 4 pages. Folio. **122**

Original in the Pennsylvania Historical Society.

1689

MARYLAND. A Law | of | Maryland | Concerning | Religion. Two issues, broadsides. [London, 1689?] One in black-letter. **39**

Originals in the Public Record Office, London.

1690

CARRÉ, EZECHIEL. Echantillon | De la Doctrine que les Jésuites enségnent | aus Sauvages du Nouveau Monde, . . . Imprimé á Boston par Samuel Green. 1690. 5 unnumbered leaves and 11[1] pages. **8**

Original in the American Antiquarian Society.

1692

FRAME, RICHARD. A Short | Description | of | Pennsylvania, . . . Printed and Sold by William Bradford in | Philadelphia, 1692. 8 pages. 8vo. **25**

Original in the Library Company of Philadelphia.

1693

LEE. The | Library | of | The Late Reverend and Learned | Mr. Samuel Lee. . . . Boston Printed for Duncan Cambell Book-seller at the Dock-head over against | the Conduit. 1693. 1 unnumbered leaf and 16 pages. **36**

Original in the Boston Public Library.

1696 +

HUDSON'S BAY COMPANY. Three broadsides: (1) The Case | Of the Hudson's Bay Company of England, | In Referrence to the Canada Company of France, | And their servant Gabriel de la Forest. (2) An Impartial Account of the present state of the Hud- | son-Bay Company, as they stand Incorpora- | ted in a charter granted them by King | Charles the Second. (3) The Case of the | Hudsons-Bay-Company. **52**

Originals in the Public Record Office, London.

1698

A | Letter | From A | Gentleman | of the | City of New-York | To Another, | Concerning the Troubles which happen'd | in That Province in the Time of the late Happy Revolution. | Printed and Sold by William Bradford at the Sign of the | Bible in New-York, 1698. 24 pages. 4to. **92**

Originals in the John Carter Brown Library and in the New York Historical Society.

1699

COOTE, RICHARD. (1) His Excellency, | The Earl of Bellomont's | Speech | to the | Honorable the Council and House of | Representatives, ... in His Majesties | Province of the Massachusetts-Bay in | New England, on Fryday the 2d. of June 1699. 3[1] pages. (2) The Answer | Of the House of Representatives, to His | Excellency the Earl of Bellomont's Speech, ... 6th of June, 1699. 2 pages. (3) A Congratulatory Address | Of the House of Representatives ... delivered by the Speaker | and whole House.... 6th of June, 1699. 4 pages. All printed Boston, Bartholomew Green and John Allen, 1699. **84**

Originals in the Public Record Office, London.

[*No title.*] Loyalty | Vindicated | From the Reflections of a Virulent Pamphlet called [A Letter from | a Gentleman of New-York, concerning the troubles] ... [Boston, Bartholomew Green, 1699] **7**

Original in the New York Historical Society.

1700

GOULD, DANIEL. A | Brief narration of the sufferings of the People | Called Quakers; who were put to death at | Boston in New-England.... [1700] **55**

Original in the Massachusetts Historical Society.

1718

The | Trials | Of Eight Persons | Indited for Piracy &c.... Boston: | Printed by B. Green, for John Edwards, and Sold | at his Shop in King's Street. 1718. 1 unnumbered leaf and 25[1] pages. Folio. **132**

Original in the Massachusetts Historical Society.

1726

The Case of the Heir at Law and Execu- | trix of the late Proprietor of Pennsilvania, | &c. in Relation to the Removal of Sir | William Keith, and the Appointing Major | Patrick Gordon to succeed him as Deputy- | Governor there. **101**

Original in a private collection.

1732

MORGAN, JOSEPH. The | Nature | of | Riches, | Shewed | From the Natural Reasons of the use | and Effects thereof: | . . . Philadelphia: | Printed by B. Franklin, 1732. 32 pages. 8vo. **95**

Original in the Boston Athenæum.

1740

MORRIS, LEWIS. Speeches | made, | And a Letter wrote by his Excellency | Lewis Morris, Esq; | . . . Philadelphia: Printed by Andrew Bradford, Prin- | ter to his Majesty, for the Province of New-Jersey, | M,DCC,XL. 15 pages. Folio. **46**

Original in the Public Record Office, London.

1745

Lettre | d'un Habitant | de Louisbourg, | Contenant une Relation | éxacte & circonstanciée de la Prise de | l'Isle-Royale, par les Anglais. | . . . A Quebec, | Chez Guillaume le Sincere, à l'Image | de la Vérité. | M. DCC. XLV. 81 pages. 8vo. **128**

Original in the Bibliothèque Nationale.

1755

An | Account | Of the | Distances | From the City of | Philadelphia, | Of all the Places of Note within the | Improved Part of the Province of | Pennsylvania. . . . Philadelphia: | Printed by William Bradford, at the | Corner House of Front and Market-Street. 15 pages. 8vo. **45**

Original in the Library Company of Philadelphia.

Relaçam | do | Combate, | Que entre si tiveraõ tres Naus de guerra | Inglezas, com outras tres de França | nos Mares da America | junto de Cabo Berton . . . Lisboa: | Anno de 1755. 8 pages. 8vo. **124**

Original in the New York Public Library.

Relaçam | verdadeira | da Tomada das Praças | Que na America fizeraõ . . . Lisboa: | Na Offic. de Domingos Rodrigues. 8 pages. 8vo. **119**

Original in the New York Public Library.

1756

Noticia certa | da grande Batalha, | que houve na | America | entre os | Francezes, e Inglezes, . . . Lisboa: | Na Offic: de Domingos Rodriques . . . Anno 1756. 8 pages. 8vo. **129**

Original in the New York Public Library.

1757

JOHNSON, WILLIAM. Relaçaõ | De huma batalha, succedida no campo de Lake | Giorge na America Septentrional, . . . Lisboa: Anno M. DCC. LVII. 7 pages. 8vo. **125**

Original in the John Carter Brown Library.

[WOOD-CUT.] Noticia Verdadeira | da Guerra | da America | entre os Francezes, e | Inglezes, com a tomado do Forte | de | Sam Jorze | Ganhado pelos Francezes &c. 7 pages. 8vo. **130**

Original in the John Carter Brown Library.

1762

THACHER, OXENBRIDGE. Considerations | on | Lowering the Value | of | Gold Coins, | Within the Province | Of the | Massachusetts-Bay. | Sold next to the Prison in Queen-Street. 27 pages. 8vo. **103**

Original in the John Carter Brown Library.

1763

R., T., A | Letter | to the | Common People | of the | Colony of Rhode-Island; | concerning | The unjust Designs, and actual Attempts, of a | Number of Misers, and Money Jobbers, . . . to compel all | the Old Tenor Debtors in this Colony to pay near three | Times as much as they owe. | By T. R. Cooper. | Providence: | Printed for the Author, by William Goddard. 1763. 4 pages. 4to. **97**

Original in the Rhode Island Historical Society.

1777

ALLEN, IRA. Some | Miscellaneous Remarks, | and | Short Arguments, | on a | Small Pamphlet, | Dated in the Convention of the Representatives of the | State of New-York, October 2, 1776, . . . Hartford: | Printed by Ebenezer Watson, near the | Great Bridge. | M.DCC.LXXVII. 26 pages. 4to. **110**

Originals in Harvard College Library and Library of Congress.

Washington to Col. John Fitzgerald [1]

Valley forge Feb'y 28th, 1778

Dear Sir, — This instant returning from the Com[mittee] and finding the Post here you must put up with a line or two in acknowledgement of your favor of the 16th Instt from York, instead of a long Letter, which it was my intention to have written you.

I thank you sincerely for the part you acted at York respecting C[onwa]y's Letter; and believe with you, that matters have, and will, turn out very different to what that Party expected. G[ate]s has involved himself in his Letters to me, in the most absurd contradictions. M[ifflin] has brought himself into a scrape he does not know how to get out of, with a Gentleman of this State [Cadwalader], and C[onway], as you know, is sent upon an expedition which all the world knew, and the event has proved, was not practicable. In a word, I have a good deal of reason to believe that the machinations of this Junto will recoil upon their own heads, and be a means of bringing some matters to light which by getting me out of the way, some of them thought to conceal. Remember me in the most affectionate terms to all my old friends and acquaintance in Alexandria and be assured that with unfeigned regard I am, Dr. Sir. your affect'e friend,

Go: Washington

Charles Sumner to Horatio Woodman [2]

Senate Chamber, 2nd Aug., '61.

My dear Woodman, — You will be glad to know that Monti [3] was to-day nominated Consul.

It came to pass thus. At the end of a long interview with the President last evening — in which among other things the Vienna Mission was considered — I asked him to make this appointment. He did not wish to make it. I pressed, and he said, "Well, tell Seward to send up the papers, and consider it done." Of course early this morning I gave the proper notice to the Secretary, and now the President's Message to the Senate making the nomination is on the table before us. Ever yours,

Charles Sumner.

[1] From the Library of Congress, by courtesy of Mr. Charles Moore.

[2] From the Woodman MSS. in the Society.

[3] Luigi Monti, nominated United States Consul at Palermo, holding the office until 1873. He died in 1914.

HORATIO WOODMAN TO JOHN ALBION ANDREW

BOSTON, November 15, 1861.

MY DEAR SIR: — The following is a statement of the results of consultation not only with Governor Boutwell and Theophilus P. Chandler, but with J. Wiley Edmands and other conservative and forelooking men.

That it should be impressed upon Government to make its next demonstration upon the coast of Texas, the state easiest to take and hold, with larger public consequences than any other, if held. Texas we virtually bought, her rebellion makes her a dependency for treatment under the war power and through Congress. The force when landed, should proclaim martial law, with reference to action by Congress if necessary, when it meets, to free all the slaves, compensating loyal owners, if necessary. It can stand as a local military and national necessity.

RESULTS. 1st. We flank the whole rebellion.

2d. We open a way out for cotton.

3d. We cut off future annexations, in the interest of the South, and demonstrate to foreign powers, that this war is to stop the spread of slavery.

4th. Instead of loyal men leaving Texas, as they are now doing for California and elsewhere, they will stay, and a few years, will fill Texas with a European emigration, which will demonstrate (as the Germans of Texas are now doing) that cotton can be raised without slaves, though hired negroes may be also used. Galveston is but 600 miles from Lawrence and St. Joseph, and a railroad will be run through Texas and Arkansas to those places, and the question of conflict of systems of labor, and political power by this barrier of free labor and free territory will be settled forever, leaving the question of slavery in the other cotton states for philosophical treatment, unless it becomes necessary to settle it sharply under the war power, before the present war is over. Any expedition should be planned with reference to the whole programme. The very large amount of public lands in Texas, could be also used as an inducement to enlistment of soldiers, with reference to their eventual settlement in Texas. These points are urged, not in the interest of "Abolitionism" but as fairly coming under the necessities of war. Martial law proclaimed, events will no doubt educate the next Congress and our people up to a declaration of the freedom of the slaves as a local military necessity, and as a constitutional way of treating an exceptional

state or dependency like Texas. Men like William Pitt Fessenden (not men like Sumner) could put it on high and sound ground. Our people of all parties especially men holding property are (like Dickinson and Cochrane) fully up to any treatment of slaves and slavery under the war power as necessities arise, *in the largest local application.* Mere barren proclamations and fulminations, squinting towards or meaning old anti-slavery Abolitionism, repel them, and are practically absurd, with a people fully up to the sharpst martial law.

Texas thus held and treated, we shall have, at the end of the war, the " material guaranties " that will prevent any such compromise or settlement, as to make a renewal of the struggle for political ascendency or another rebellion possible. If this strikes you, as it has conservative men here, please say and do what you can find time to do. Ever Truly Yours,

Horatio Woodman.

George S. Boutwell to Horatio Woodman

Cairo, Illinois, July 4th, 1862.

My dear Sir, — From this miserable town, or city as the people here claim, I tender you my congratulations. The 4th of July is not as joyful as I could wish. The events of the last ten days before Richmond are yet to us here of an uncertain character. We are now, however, resting in the belief that McClellan has upon the whole lost nothing in position or prestige. The losses of men are large, but we have all known that such losses were inevitable. What is the next step? More men — more men, and then a declaration by which the South shall be deprived of the aid of the Negroes. A few months since you remember, Columbus was regarded as the key to the valley of the Mississippi. And so it was. The position is a strong one by nature; but the fortifications were the work of slaves. I have been over them. They were poor in plan, but thousands of men were employed in their construction, and these thousands were negro slaves.

What has been done at Columbus by the negro was done at Island No. 10, Memphis, Vicksburg, Corinth, Manassas, Richmond, and wherever else an earthwork has impeded our progress. How long shall the institution of slavery be maintained and such sacrifices continue? I had an opportunity, at the headquarters of a general, to read the letter of a mother, resident in Maryland, addressed to her son who is an officer in the Southern army. She

speaks of the emancipation act for the District, of the fact that the slaves were leaving their masters, and she exclaims, "What are we to do? I know not how we are to live? They are our sole dependence." Now what one secession family suffers and fears as the consequence of the loosening the bonds of the slave, will be realized by all Secessia whenever we chose to dissolve the legal claim of the master to the slave.

I have not yet seen the first officer of the army, and I see a large number of new faces daily, who is not ready for a decisive blow against slavery. They may not agree about methods, but there is no difference of opinion as to the necessity of striking the institution. The rank and file are more determined and less considerate about the means.

Illinois has just voted against negro immigration, and yet even in this town of Cairo, the darkest part of Egypt, a slave hunter does not dare to be known as such in the streets. On Wednesday two of these gentry from Missouri came to Cairo, and by the aid of an obscure magistrate they obtained the custody of two negroes. Yesterday masters and slaves were found secreted in a cellar. It so happened, upon their discovery, that the masters engaged the first conveyance across the river, and the negroes were left to consult their own wishes as to their future.

I have now been a resident of Cairo for nearly two weeks. I am among the old inhabitants. There is to be sure a stationary population, but the larger number of those whom I meet are men of business and officers of the Army and the Navy. They are here for brief periods of time only. Cairo has no attractions. The levees of the Ohio and Mississippi are a few inches above high water. The rest of the town is many feet below high water. There is, consequently, no drainage; there is no removal of waste and offal; and every shower leaves the low places covered with water, to be evaporated by a hot sun. The thermometer shows a temperature from 90° to 100°. The water of the rivers, used for all purposes, is not agreeable or healthful. Cairo is the veritable Eden of Martin Chuzzlewit. It has however one or two redeeming features. The nights are not hot. There is very generally a current of air upon the rivers. The Ohio is majestic, and the view towards Mound City is very attractive.

Steamers are hourly arriving and departing. The Illinois Central Rail Road does a large business and the track occupies the top of the levee on the Ohio leaving only a narrow street for public use. The resident population upon the bottom seem to me ignorant, and a good deal debased. No doubt there are exceptions.

I am not able to anticipate the time of my return to the North. If I finish the business before the Commission the remainder of this month will be required.

Ever to you health and prosperity is the wish of Your friend,

GEO. S. BOUTWELL.

WASHINGTON, November 22, 1862.

MY DEAR SIR, — I am troubled that your brother should feel that his order has been neglected; but I am sure that he would make no complaint if he knew all the circumstances. Orders are filled in turn as stamps are prepared. It happens, however, in the beginning that the number of plates of particular kinds is insufficient for the demand, and hence we often send out some kinds of stamps upon subsequent orders, while stamps of other kinds can not be furnished to those whose orders are prior in date. Whenever a new stamp is ready, we commence anew upon our orders and fill in course.

There has been no favoritism, and all parties, whether ordering large or small quantities have been equally regarded. I have now, as you may know, made the use of eight kinds imperative on and after the first of December; and I now give preference to orders for these stamps — but still in turn as received at the office. We are now printing twelve million stamps per week of the nominal value of more than a million of dollars. The public do not realize the amount of work necessary for the production of such a result. The engraving alone has employed the entire force of the country which could be commanded.

We are preparing between 80 and 100 different engravings. I am producing and distributing twice as many stamps per week as the Post Office Department ever issued in its best days.

No one is so anxious as myself to have the public accommodated; there have been delays — but for the most part they were unavoidable.

I read with interest and profit your articles on McClellan's campaigns. There is a mystery in the man and his management which time must unfold. Incapacity does not explain the campaigns of Buell and McClellan. I think we are fairly rid of both of them for the present.

The movement towards Richmond should be strengthened. All outside undertakings may well be postponed. If Richmond falls after battles and victories every thing beyond will be an easy

task; Richmond still in rebel lines and all other advantages are comparatively unimportant. Had I the power I would invest Richmond on every side and never cease the attack until the city was gained. Yours truly,

GEO. S. BOUTWELL.

HORATIO WOODMAN TO SECRETARY STANTON.

BOSTON, July 12th, 1862.

MY DEAR SIR, — Pray pardon me for not before giving you a positive reply to the proposition on which we conversed. It has been because I have tried to find it possible so to arrange my business as to accept it. For the mere position I care nothing. But it would be at once a plain and grateful patriotic duty to do the work and a real pleasure to be near you in doing it. But it is entirely impossible, and with the most sincere thanks and regrets I am forced to decline it.

Will you pardon me for adding a word more? You *owe it to to your country* still persistently to forget yourself and to sacrifice yourself to her, *to bear the burdens of others for her,* to still stand at the helm of the war, in spite of abuse and falsehood from without and occasional thwarting of wise purpose from within. Let no impulse, no mortification, no crossing of purpose — nothing but the most imperative and paramount self-respect induce you to resign. Every intelligent man who knows the truth builds his hopes of Success on your standing firm.

Even Wm. Pitt Fessenden, who is not only cool but cold, who is critical to cynicism and dyspeptic to bitterness told me: "You are right as to Mr. Stanton. He has such a world of work and his mind works so rapidly that he makes mistakes sometimes. When he does he has no false pride of opinion and owns them frankly; but in my judgment we owe to him what has been done in this War. He had been the only man here in direction who has had any real Executive faculty for the emergency."

Another thing: If General McClellan is to remain at the head of the Army of the Potomac, I hope the correspondence called for by Congress will not be given. Rejoiced as I should be to see you and the Government vindicated from ignorant and malignant abuse, it is better that that vindication should wait than that, in a turning time like this, an element of such distraction should be thrown into a nation which should only see an enemy

and feel the unanimous determination to overwhelm him before armed intervention is upon us.

I hope to see no other *engineer officer* at the head of an army in the field, no weak proclamations of emancipation to slaves beyond our lines whose masters in arms we have not whipped in battle, no more shilly shallying want of policy in treating negroes within our lines, but your own clear practical policy which you stated to me quietly enforced which the whole country will stand by and which needs no Congressional discussion or action.

The moment the national cause seems in peril the Extreme Republicans urge as a remedy a proclamation of universal emancipation, which *in periculo* would simply be desperate and impotent. The moment we seem to be carrying all before us the Extreme Conservatives and the suppressed traitors cry out for an exact return to the old state of things under the Constitution. The thing to be first done is for white men to whip white men in arms; and then a people who will have lost 150,000 lives and spent a thousand millions of dollars will find ample sovereign and constitutional powers to take guaranties for national self-preservation and against the recurrence of such another rebellion.

Please excuse me for writing so much. With sincere respect and regard, Ever Faithfully Yours,

H. W.

Should you ever wish to communicate any thing confidentially to me for any purpose, I think you can depend upon my discretion.

MEMOIR

OF

HENRY CABOT LODGE

BY CHARLES G. WASHBURN

The affairs of men, the interests and the history of nations, the relative value of institutions as discovered by their actual working, the merits of different systems of policy as tried by their effects, are all very imperfectly examined without a thorough knowledge of the individuals who administered the systems and presided over the management of the public concerns.

The history of empires is, indeed, the history of men, not only of the nominal rulers of the people, but of all the leading persons who exerted a sensible influence over the destinies of their fellow creatures, whether the traces of that influence survived themselves or, as in the case of lesser minds, their power was confined to their own times.

Thus wrote Lord Brougham in his introduction to his *Historical Sketches of Statesmen who flourished in the time of George III.*

While opinions may differ as to whether the influence of Henry Cabot Lodge will survive him or be confined to his own time, I believe none will deny that his public career of forty years has had a sensible influence over the destinies of his fellow creatures.

Mr. Lodge was born in Boston, May 12, 1850, and died in Cambridge, November 9, 1924.

Born to affluence, with a rich social and intellectual inheritance, he seemed to be one of the favored of the sons of men.

Added to this was a thorough education, a strong inclination to literature, great industry, and a tenacity of purpose

that could not be overcome — a combination of qualities which would seem to ensure success in any occupation he might select.

Within a year after his graduation from Harvard College in 1871, after his return from Europe, he sought the advice of Henry Adams whose pupil he had been and of whom he said at the time of Mr. Adams' death in 1918: "For forty-seven years he has been my most intimate friend, to whom I have not only been indebted for help, wise counsel and unfailing sympathy throughout my active life, but whose affection was one of my most cherished, most precious possessions. No ties of blood could have made him closer or more devoted to me and mine than he has been for nearly half a century. To me the loss caused by his death is inexpressible." Mr. Adams, in a letter to Mr. Lodge, in June 1872, said:

> The question is whether the historico-literary line is practically worth following: not whether it will amuse or improve you. Can you make it *pay*, either in money, reputation, or any other solid value?
>
> Now if you will think for a moment of the most respectable and respected products of our town of Boston, I think you will see at once that this profession does pay. No one has done better and won more in any business or pursuit than has been acquired by men like Prescott, Motley, Frank Parkman, Bancroft, and so on in historical writing; none of them men of extraordinary gifts, or who would have been likely to do very much in the world if they had chosen differently. What they did can be done by others.
>
> Further there is a great opening here at this time. Boston is running dry of literary authorities. Any one who has the ability can enthrone himself here as a species of literary lion with ease, for there is no rival to contest the throne. With it comes social dignity, European reputation and a foreign mission to close.

"Encouraged by this letter," Mr. Lodge once wrote, "I set to work when I reached home and was fairly established in Boston. I had no definite plan; no taste, no aptitude, no mastering passion beckoning me into any particular path. I merely desired to read history and to write, if I could. So I turned to the early law of the Germanic tribes, toward which my studies in mediaeval history had led me, as the

foundation of the legal and political history of the English-speaking people. I doubt if I could have selected a drier subject. . . . One day Henry Adams, who had recently returned from Europe, appeared at luncheon; and afterwards, as I was walking down with him to take the wagon for Lynn, he told me that he had accepted the editorship of the *North American Review* and wished me to be his assistant editor. I have had since that summer morning in 1873 my share of rewards and honors, more, very likely, than I have deserved; but nothing has ever come to me which gave me such joy as that offer from Henry Adams.

"But the *North American Review* was not my only occupation. I entered the Harvard Law School in 1872, not with any intention of becoming a practising lawyer, but partly because I was at a loss what to do, and partly because I felt it would be of value to me as a form of education. In this I was not disappointed. I became convinced then, and have ever since held the opinion, that for mental training, no matter what a man's work in life might afterwards be, nothing was equal to the study of the law."

Mr. Lodge was elected a member of this Society in December, 1876. He was deeply interested in the meetings and met here many men of distinction in letters and other fields whom, as a boy, he had looked up to from a respectful distance. His interest continued during his life. He succeeded Charles Francis Adams as President in April, 1915, and held the office until his death, November 9, 1924.

In studying law and in the work of editing the *North American,* Mr. Lodge had been gradually drawn toward the history of his own country. His inclination in that direction had been strengthened by carrying out a long-cherished plan of bringing together the letters of his great-grandfather, George Cabot, senator from Massachusetts from 1791 to 1796, one of the leading Federalists of his time, and of printing them with an accompanying memoir.

This book developed into quite an ample volume, including a study of New England Federalism, and a statement of the conditions which led to the famous "Hartford Convention," of which Mr. Cabot was president.

In the preface, Mr. Lodge said: "A sentiment of respect

for the memory of my great-grandfather and a desire to rescue his name, if possible, from complete oblivion, induced me to undertake the work, of which this volume is the result."

This, perhaps, suggested to Gail Hamilton the title of her review in the New York Tribune: "Henry Cabot Lodge's Hand to Hand Fight with Oblivion." I spoke of this once to him. He laughed and said that it was about the only thing that stimulated the sale of the book.

Drawn to the study of American history, it was quite natural that Mr. Lodge should have willingly accepted an appointment to teach the subject at Harvard, a post which he filled acceptably for three years, during one of which I was his pupil. It was quite natural, too, that the student of American history should have become a student of American politics, and that he should have desired to have some part in the administration of government.

Early in his career, before he held office, Mr. Lodge was of the opinion that adherence to one party would not effect desired reforms and that one party should be used against the other, making them bid against each other, for popular support. He early abandoned this position and thereafter adhered to the more practical and efficient habit of staying steadfastly with his political army, whether the General and staff, for the time being, were altogether to his liking or not. Of course his earlier opinion was that of a private citizen and his later practice that of a person of constantly growing importance in the councils of his party.

It is probable that his earlier opinion was due to the influence of Henry Adams with whom Mr. Lodge was associated until 1878.

Mr. Adams had come from Washington, much disgusted with the prospects of honest government or any reform in conditions. Probably the two men agreed upon the necessity of reforms. Mr. Adams remained an independent, although he was usually spoken of as a Democrat. Mr. Lodge began his career as an office holder in the Massachusetts Legislature where he represented the 10th Essex District in 1880 and 1881. In the election of November 1881, a candidate for the State Senate in the First District of Essex County, he was defeated by his Democratic opponent.

He got his first education in practical politics as Chairman of the Republican State Committee in the campaign of 1884 which resulted in the election of George Dexter Robinson as Governor to succeed Benjamin F. Butler. Mr. Lodge was a delegate-at-large to the Republican National Convention in 1884, which nominated Mr. Blaine for the Presidency. He was a supporter of Senator Edmunds. Theodore Roosevelt was also a delegate-at-large from the State of New York and he was for Edmunds. Mr. Lodge nominated John R. Lynch of Mississippi, a colored man, as temporary chairman of the Convention. Roosevelt spoke in support of the motion. Lynch was elected over Powell Clayton of Alabama, the choice of the Republican National Committee and of the supporters of Blaine. This vote was important as indicating Mr. Blaine's strength.

I think that here, for the first time, Lodge and Roosevelt became really intimate, although, of course, they had known each other previously. This intimacy increased and Mr. Lodge, though eight years the senior, became Roosevelt's closest social, literary and political friend throughout the latter's career. The nomination of Blaine placed both men in an awkward position. Each had been claimed by the Reform element in the party, bitterly opposed to Blaine. Roosevelt, believing that he could be more useful in the party than out, decided to support Blaine. Lodge reached the same conclusion. Both were severely criticized by their Mugwump friends who supported Cleveland. A large number of men, young and old, in Massachusetts, where there was a very serious revolt against Blaine, never forgave Mr. Lodge for not joining them in their defection from the Republican party, and that was the basis for the strong political prejudice in some quarters against him throughout his life.

At the election in 1884, Mr. Lodge was a candidate for the 49th Congress, but was defeated by 265 in a total of something over 30,000 votes. This was the last defeat he suffered in an election during his long public career, although he had some hard fights to retain his position. That first real experience in the rough and tumble of politics might easily have discouraged one of Mr. Lodge's tastes and habits from attempting again to enter the lists, but it did not. He

was a candidate in the election of 1886, and defeated Mr. Lovering, his former opponent by 738 out of a total of 26,252 votes. He took his seat in the first session of the 50th Congress which began in December 1887. Mr. Cleveland was then serving his first term as President; John G. Carlisle was Speaker of the House.

Mr. Lodge was re-elected to the 51st, 52nd and 53nd Congresses.

During his service in the House he spoke with intelligence and force upon a great variety of subjects. He early condemned making our foreign policy a party question and spoke in favor of making it vigorous and dignified, debased by neither timidity nor bluster. He early became an advocate of Civil Service Reform, in which movement he was a pioneer and in which he continued a very active interest throughout his political career. Immigration was another subject in the discussion of which and in legislation upon which, he took an influential part.

In 1890 he became sponsor for a bill for the national supervision of national elections. He made an elaborate speech upon it in June, 1890. This measure, popularly known as the "Force Bill," fastened upon him the charge of being an intensely partisan Republican. The bill attracted little attention among the Republicans of the North and aroused opposition among the Republicans of the South as likely to make bad matters worse.

Mr. Lodge was always for a strong navy for the protection and development of commerce and the defense of American citizens and American interests. His views coincided with those always held and vigorously expressed by Theodore Roosevelt. "When I vote on the Army and Navy or on foreign affairs," said Mr. Lodge in a speech in 1891, "I leave my party and my politics behind me." His ability must have, at this early day, been generally recognized as evidenced by the following letter.

Amesbury, Mass., February 17, 1891.

Dear Friend: — Let me thank thee for thy manly speech. It has the ring and is worthy of the best days of Massachusetts — of Webster and Sumner and John Quincy Adams. I am truly thy friend,

John G. Whittier.

Mr. Lodge was always for sound money and in March, 1892, four years before the single gold standard became the great issue of the Campaign of 1896, he said in a speech: "Under existing conditions, without any international agreement, I am utterly opposed to the free coinage of silver."

Before his term in the 53rd Congress had expired, Mr. Lodge was elected to the Senate by the Legislature in January, 1893, to succeed Henry L. Dawes and took his seat on March 4. In this and the following session he deprecated any attempt to change the tariff prior to March 4, 1897; favored the repeal of the purchasing clauses of the silver act of 1890 — which he had advocated in the House two years earlier — continued his advocacy and defense of the Civil Service Act of 1883; utterly condemned the proposed coinage of seigniorage, agreeing with Abram S. Hewitt that it would be "coining a vacuum," and reiterated the opinion that nothing could be done for silver without an international agreement.

Mr. Lodge was always a consistent protectionist. He had had no practical experience in business to convince him both of the wisdom and necessity of this policy, but he knew his American history, which had taught him that great business depression and wide spread unemployment always had followed every attempt to place the industries of the country upon a basis even remotely approaching free trade.

In the 54th Congress, Mr. Cleveland's second term, the Venezuelan boundary dispute involving British Guiana arose, which brought us to the verge of war with Great Britain. Mr. Olney's vigorous message to England, of which Mr. Lodge heartily approved, led to an arbitration of the matter. In the course of the discussion of a Resolution in December 1895, Mr. Lodge said:

> It is possible that we may desire still further to strengthen the bill to show to the American people and to the world that we are not only united but in absolute earnest, that without any brag, and without any bluster, we are prepared to maintain the Monroe Doctrine, not as a principle of international law — I do not myself think it comes within the scope of international law — but as a fact, just as we maintain the Declaration of Independence, because we considered it vital to the interests and to the existence of the country.

He was a delegate-at-large to the St. Louis Convention in 1896 and placed Speaker Thomas B. Reed in nomination. William McKinley was the choice of the Convention. Mr. Lodge was on the Committee on Resolutions and absolutely opposed to the free coinage of silver. The resolution finally adopted, which was agreed to by him and his associates, was as follows: "We are opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved." Mr. Hoar, in his *Autobiography,* said that while in Paris, he cabled his Senatorial colleague, Mr. Lodge, at St. Louis:

> Where the delegates to the Convention to nominate a President were then gathering, stating my hope that our Convention would insert in its platform a declaration of the purpose of the Republican party to obtain in concert with other nations, the restoration of silver as a legal tender in company with gold and that I had reason to feel sure that such a plan could be accomplished. The cable reached St. Louis on the morning the Convention assembled. I do not know how much influence it had or whether it had any in causing the insertion of that plank in the platform. Such a plank was inserted. In my opinion, it saved the Presidential election and, in my opinion, in saving the Presidential election, it saved the country from the incalculable evil of the free coinage of silver.

In view of the criticism which was directed at Mr. Lodge twenty-three years later in connection with his opposition to the ratification of the Versailles Treaty, attention may be called here to his views of the relation of the Senate to the ratification of Treaties, which he expressed in January, 1897, in connection with a discussion of the Arbitration Treaty with England: "The Senate, under the Constitution, is charged with the duty of ratifying treaties. If that means anything, it means that it should give them due and proper consideration. It does not mean that it should ratify anything which comes from the State Department without considering the details. If we were to do so, we should, in my opinion, be false to our duty."

Mr. Lodge had taken the deepest interest in Roosevelt's

career since 1884. He secured for him an appointment to the Civil Service Commission, advised him to become a Police Commissioner in the City of New York, and now urged upon President McKinley the advisability of making him Assistant Secretary of the Navy. The appointment was made and Roosevelt took that office on April 19, 1897. Three years later, Roosevelt, after the Spanish War, and toward the end of his term as Governor of New York was, much against his own desire, nominated for the Vice Presidency at the Convention in Philadelphia. Mr. Lodge, who presided, had from the first favored his nomination and, as it turned out, wisely. Roosevelt was most appreciative of Lodge's constant aid, sympathy and advice and said in a letter written early in 1900: "You are the only man whom, in all my life, I have met who has repeatedly and in every way done for me what I could not do for myself, and what nobody else could do, and done it in a way that merely makes me glad to be under the obligation to you. I have never been able to do, and never shall be able to do, anything in return, I suppose, but that is part of the irony of life in this world."

Mr. Lodge was heartily in favor of our acquiring the Philippine Islands as a result of our war with Spain of which he was an enthusiastic supporter. He was chairman of the Senate Committee on the Philippines which had committed to it the important legislation proposed for the government of these insular possessions. On one occasion, in discussing our relations to the Islands, he said: "I do not believe that we have attacked an ally. I am certain that we never recognized that so-called Filipino government. The Filipinos had no government except the government of a dictator, set up by himself, to impose his authority on other tribes. They attacked us; we did not attack them."

In his attitude on this subject, his views were sharply at variance with those of Senator Hoar, who believed, as he has said: "that under the lead of Mabini and Aguinaldo and their associates, but for our interference, a Republic would have been established in Luzon, which would have compared well with the best Republican Governments between the United States and Cape Horn."

Mr. Hoar expressed regret that we should have witnessed

the subjection of the Boers in South Africa without a murmur of disapproval and without a word of sympathy for the victims. Mr. Lodge took a totally different view and when a resolution of sympathy was proposed in the Senate, said: "Whatever private opinions or private sympathies may be, there is a wide gulf fixed between private sympathy and public action. The action of the Senate as part of the treaty-making power would constitute public action. The Executive department has assumed an attitude of strict neutrality between the two parties, in the very deplorable war which is now in progress in South Africa. If we should pass such a resolution as this, we should immediately change the attitude of the country." And commenting on the situation on another occasion: "There is a very general and solid sense of the fact that however much we sympathize with the Boers, the downfall of the British Empire is something which no rational American could regard as anything but a misfortune to the United States."

Mr. Lodge was always opposed to annexing Cuba and making it a State. He strongly supported President Roosevelt in recognizing the Panama government and in his entire policy in regard to the building of the canal. He made a very strong speech upon the secession of Panama, which included an exhaustive examination of precedents affecting the right and methods of the recognition of a new state.

His approval of a rigid enforcement of the Monroe Doctrine is well expressed in a speech he made in 1906 upon the Moroccan Conference and relations with San Domingo in the course of which he supported President Cleveland's attitude in the Venezuelan matter and said that it had done more to vindicate the Monroe Doctrine than anything that had been done up to that time, with the single exception of the expulsion of the French from Mexico, and added: "Except for the great mistake of the Clayton-Bulwer treaty, we have sedulously guarded ourselves from permitting any foreign nation even to join us in anything relating to American affairs. One of the great and, to my mind, vital objections to the first Hay-Pauncefote treaty was that we invited the Nations of Europe to join with us in neutralizing the canal."

In his opposition to the first treaty, Mr. Lodge had Roose-

velt's strong support. The latter, at the time, was Governor of New York, and in a letter dated February 18, 1900, to Secretary Hay, said: "I hesitated long before I said anything about the treaty through sheer dread of two moments — that in which I should receive your note, and that in which I should receive Cabot's. But I made up my mind that, at least, I wished to be on record; for to my mind this step is one backward, and it may be fraught with very great mischief." The Senate refused to ratify the treaty. Negotiations were later resumed and a new treaty ratified. In his first annual message to Congress on December 3, 1901, Roosevelt, who had meantime became President, said:

> In this treaty the old Clayton-Bulwer treaty, so long recognized as inadequate to supply the base for the construction and maintenance of a necessarily American Ship Canal, is abrogated. It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal and shall regulate its neutral use by all nations on terms of equality without the guaranty or interference of any outside nation from any quarter.

This is, perhaps, an appropriate place to let Mr. Lodge describe in his own words the negotiations in which he had so large a part, which led up to the second so-called Hay-Pauncefote treaty under which the Panama Canal was constructed.

> The construction of an interoceanic canal had been steadily attracting more and more attention for many years, until at last it had reached a point where public feeling was so strong in Congress and in the United States that there was great danger that Congress might abrogate the Clayton-Bulwer treaty which stood in the way of the construction of the canal by the United States under the only conditions which the United States could accept. It was of the last importance that the Clayton-Bulwer treaty should be removed by suitable diplomatic arrangements in order to leave the United States free to build the canal and that any such violent step as the abrogation of the treaty should be avoided.
>
> In the winter of 1898–99 Mr. Hay asked Senator Davis of Minnesota, then chairman of the Foreign Relations Committee, and me to come and see him. We went to the Department and Mr. Hay

asked us if we did not think it desirable to make a treaty disposing of the Clayton-Bulwer treaty in such a way as to give the United States freedom to build the canal. We of course told him that we were thoroughly in sympathy with this being done and thought it of the highest importance. He then proceeded with the negotiations but he never showed us the draft of the treaty or consulted us in any way in regard to its terms. I mention this because Mr. Hay subsequently said that he had consulted us about the treaty and that then in the Senate we had urged amendments to it. It is one thing to agree that a certain treaty ought to be made; it is quite another thing to say that because you agree that a treaty ought to be made you therefore approve of the terms of the treaty, no matter what those terms may be. Approval of a treaty in detail rests on its provisions, not upon a general agreement as to the propriety of the object sought to be attained.

The treaty was signed on the 5th day of February, 1899, and sent in on the same day to the Senate. It was duly referred to the Committee on Foreign Relations. The session of Congress ended on the 4th of March and there was no time to deal with the treaty. The Committee did not report it until March 9th, 1900. . . . The amendments finally adopted were those suggested by the Committee. In the spring of 1900 the treaty was reported to the Senate, where there was a good deal of discussion and debate and then it was put over to the beginning of the next session. Senator Davis was very ill and he wrote to me that he wished me to take charge of the treaty when it came up in the Senate and he soon after died. I took charge of the treaty and conducted it through the Senate. In pursuance of an order made on December 7th, 1900, the Senate took up the treaty on the 13th of December and on the 20th of December the amendments of the Committee were agreed to, the others were voted down and the treaty was then ratified as amended. The treaty sent in by Mr. Hay contained no provision for the supersession of the Clayton-Bulwer treaty and the first amendment of the Senate was to insert the words, " which Convention [Clayton-Bulwer treaty] is hereby superseded." There was in the Hay treaty a distinct prohibition against the erection of fortifications. The Senate met this by an amendment giving the United States power to use any measures necessary " for securing by its own forces the defense of the United States and the maintenance of public order." Article III of the Hay treaty invited all the other Powers to adhere to the treaty, thereby giving to all the Powers of Europe authority to join in the maintenance of the neutrality of the Canal and have a voice in its use. This Article was of course a complete abandonment of the Monroe Doctrine by

inviting the other Powers to take part in the settlement of a purely American question. This Article the Senate struck out.

Some years afterwards Lord Pauncefote told me, what I had already learned from other sources, that they had practically put the pen in Mr. Hay's hand and told him to write the treaty. There is no doubt that the first treaty was entirely the work of Mr. Hay. He was very much disturbed — I may say angered — by the amendments of the Senate and he advised the President not to present the treaty as amended to the Government of Great Britain for ratification. He said to many persons that it was my intention to have the treaty as amended rejected by Great Britain and put that burden upon the English Government. That was my intention, because I felt sure that although England might reject the amendments she could not possibly stand out on the Clayton-Bulwer treaty and that a new and better treaty would ensue. The President wisely decided to send the treaty to the British Government for ratification. The British Government rejected the treaty on account of the amendments. Lord Lansdowne made a statement in regard to it in which he showed a curious lack of knowledge of the powers of the Senate in regard to treaties under our form of government and I wrote an article in *Scribner's*, afterwards printed as a public document, and in this article I reviewed the treaty-making powers of the Senate and covered Lord Lansdowne's points in the first two pages, the rest of the article being historical.

In 1901, after Lord Lansdowne's statement, negotiations were renewed for the purpose of solving the difficulties of the Clayton-Bulwer treaty. I went abroad that year and arrived in London in June or early in July. When I reached my hotel I found a note from Lord Lansdowne, asking Mrs. Lodge and myself to dine with him the next evening. He said that as they were in mourning there would be nobody there but ourselves. We accordingly went and found Lord and Lady Lansdowne; Lady Lansdowne's sister — the Dutchess of Buccleuch — and Lord Revelstoke and no one else. After dinner Lord Lansdowne took me into his library and began to talk to me about the treaty which was then being negotiated. I said to him after he had talked a little while that I wanted him to understand that I was an entire outsider, that I had no diplomatic authority of any kind and that I represented nobody except myself. He said with a smile that he thought I represented the United States Senate, which seemed to be a pretty important part of the treaty-making power; so he went on and talked about the treaty and the objections of the Senate and finally I stated to him the Senate amendments and said that those

really were the irreducible minimum. He then said to me, "You are to lunch with Mr. Balfour to-morrow (who was then Prime Minister)." I said, "Yes." He said, "I shall be there. There will be no one else, except of course Miss Balfour, and I want you to say to Mr. Balfour what you have said to me and especially to state the irreducible minimum." The next morning I went at once to the Embassy, because I was wholly unwilling to go any further in the matter without seeing Mr. Choate. I told Mr. Choate of my conversation with Lord Lansdowne and that I wanted him to understand that I had not come there to interfere with him in any way, that I had no right or authority to meddle and that I would do whatever he wished, either continue the conversation at Mr. Balfour's or tell them that I could say nothing whatever about it. He said: "I am delighted that you have had this talk with Lord Lansdowne and are going to see Mr. Balfour. Tell them just what you think and what the Senate will do; hear all they have to say and when the luncheon is over come around to the Embassy and see me." I accordingly went to the luncheon. Mr. Balfour and his sister, Lord Lansdowne and Colonel Arthur Lee were there. We went over the whole matter again and after luncheon I went to the Embassy and told Mr. Choate about it. Soon after I went on the Continent and when I returned in October I found on the night of my arrival that Mr. Choate had been at the hotel and wished to see me at once, so I went immediately to his house. The draft of the treaty which Mr. Hay had sent out and to which some objections were made by Lord Lansdowne was then under immediate discussion and the negotiations drawing to a close. Mr. Choate went all over them with me and consulted me about certain changes he had suggested to meet the difficulties which had arisen, and I remember particularly a very hard point which had come up in regard to the description of the Nations in the first paragraph of Article III of the new treaty. Mr. Choate had suggested the words "observing the rules" as the definition of the Nations, a very ingenious phrase which was ultimately accepted. There were other points. Suffice it to say that the negotiations were brought to a conclusion and the treaty, although drafted in Washington, was really made and perfected in London by Mr. Choate and Lord Lansdowne. It was sent in by President Roosevelt on the 4th of December, 1901. As I had had charge of the previous treaty I had charge of this one. It conceded in substance all the points made by the Senate. Article I specifically provided for the supersession of the Clayton-Bulwer treaty. Article III, containing the invitation to other nations to adhere, was gone. The prohibition on fortifications was also out and nothing was left in

this respect except the right of the United States to maintain such military police along the Canal as it saw fit. Under this clause naturally such fortifications as we need have been erected. The treaty was reported on the 9th of December, 1901, and ratified on the 16th of December with only six votes against it.

The facts which I have given tell their own story. Mr. Hay's treaty, the one which he really drew, was amended by the Senate. The second treaty which was ratified contained the Senate amendments and, although the draft was written by Mr. Hay, the treaty was really made and perfected in London.

After the organization of British Columbia in 1871, the Canadian Government requested that the boundary line between Alaska and Canada should be adjusted, but it was not until 1898 that the British government acted in the matter. This settlement, in which Mr. Lodge had a very large part, was regarded by him as the most important matter in the diplomatic history of that time. His description of it follows:

President McKinley in his first term made an arrangement for the settlement of all outstanding controversies between the United States and Great Britain with reference to the Dominion of Canada. A protocol providing for the conference was agreed to in 1898 by Mr. Kasson and Mr. Foster, on the part of the United States, and by Sir Julian Pauncefote and Sir Louis Davies, the Minister of Marine of Canada, on the part of Great Britain. . . . The commission appointed under the protocol was a very distinguished one. The American commission was headed by Senator Fairbanks, the English commission by Lord Herschell. They met in Quebec on the 2d of August, 1898, and, as I remember, subsequently or before in Washington. President McKinley referred to it in his message of 1899 and said, that much progress had been made, but that there was an irreconcilable difference of views respecting the delimitations of the Alaskan boundary. It was found that all the other outstanding questions could be settled by agreement among the commissioners, but the Alaskan boundary stood in the way and nothing was effected, because the commissioners could reach no agreement upon it.

Although the Alaskan question has now passed away from public memory it was at the time of the most serious character. The opening of gold-mining at Nome and in the valley of the Yukon had brought a rush of miners and prospectors into the Territory, and the unsettled condition of the boundary brought conflicts of jurisdiction and ownership which grew steadily more serious and

threatening. In 1899, on October 20th, Mr. Hay agreed to a protocol with Great Britain fixing a *modus vivendi* and a provisional boundary between the Territory of Alaska and the Dominion of Canada about the head of the Lynn Canal. Under the *modus vivendi* we practically yielded to Great Britain a tract of territory about as large as the State of Rhode Island, to the north and west of the Lynn Canal. This caused great dissatisfaction in the extreme northwestern States and the situation continued to grow more acute. Canada sent a force of constabulary, as I remember, for the protection of her claims and finally President Roosevelt ordered a body of cavalry numbering 800 men to be sent to the same region. There is nothing so dangerous as a controversy about land. The Canadians had been led to believe by some of their leaders that they had a claim which gave them the heads of all the Canals, as they are called, which enter the Alaskan coast. It was a wholly unfounded claim, but it had been used politically to such an extent that feeling in Canada was very much excited in regard to it. Our people of the northwest denied this claim, on good grounds, and President Roosevelt made up his mind that he would make one more effort to settle the question. He was not willing to submit it to an ordinary arbitration tribunal with an umpire, because he knew that would result in a compromise and he felt very strongly that there was nothing that we could compromise. He therefore determined to endeavor to have a tribunal on which both sides should be equally represented and see if a settlement could not be brought about, because he felt that if a settlement was not effected there was very real danger of violence and very probably of fighting on the boundary.

In December, 1902, he sent for me one day and said that he had insisted that another attempt be made to settle this question on the lines which I have indicated; that Mr. Hay was opposed to making any effort but he was determined that the attempt at least should be made. He handed me a draft of a convention and asked me to go over it with great care and to mention it to no one; that he wanted to know if I approved of its form and terms, and he further requested that I return it to him with any corrections that I saw fit to suggest. I went over the draft with great care and found that it was entirely satisfactory except on one or two points, the principal one as I recall being the question of the definition of the tribunal. As it stood in the draft it was referred to as an "arbitration tribunal." I felt that the word "arbitration" should go out and that it should be clearly a tribunal of a different kind. There were one or two other trifling corrections. I handed it back to him with my suggestions, all of

which he adopted, and the convention was signed at Washington on the 24th of January, 1903, and sent at once to the Senate. It was put in my charge and favorably reported.

Several Senators came to me, especially Senators from the northwest, and said that they must be assured as to the men whom the President would appoint as members of the tribunal, because they could not agree to having anybody on that tribunal who would yield on the American claim, which they rightly believed to be wholly sound. I told the President of the situation and asked if he would allow me to tell Senators in confidence whom he intended to appoint. He gave me permission to do so and I told Senator Teller — who was the leader perhaps of those from the West who felt very strongly about the question — that it was the President's intention to appoint Mr. Root (then Secretary of War), Senator George Turner of Washington and me. When these selections of the President were made known in confidence to Senators there was no further objection to the treaty and it was ratified by the Senate, unanimously as I remember, on the 11th of February, 1903. It was ratified by Great Britain and by the President and ratifications were exchanged on the 3d of March, 1903.

When Mr. Hay heard of the three men whom the President had selected he was extremely displeased and protested in the strongest way to the President against Mr. Root, and even more strongly against me, taking the ground that our opinions were already well known, which was also true of Senator Turner. The President, however, of course made the appointments as the Senate had been informed he would do.

The convention, like all treaties of that character, set forth the points to be decided. The vital question was, as to whether the provision in the British-Russian treaty of 1825 provided that the ten marine leagues from the ocean constituting the boundary should follow the sinuosities of the coast; or should be a straight line, which would have left the heads of all the canals in British possession.

The tribunal met in London in September, 1903. We sat for five or six weeks. The representatives of Great Britain were Lord Alverstone, Chief Justice of England; Sir Louis Jetté, Lieutenant Governor of the Province of Quebec; and Mr. Aylesworth, who had been Chief Justice of Canada. The cases and counter-cases had been, of course, prepared by our agents and made ready for the sittings of the tribunal. Mr. Sefton was the agent for the British and Mr. John W. Foster for the United States. These printed cases really covered everything and we had all read them with care before the meeting of the tribunal.

On the first day Lord Alverstone turned to me (I sat on his left hand) and said: "Of course the oral arguments may entirely change my views, but on the cases as presented to us by the agents, Canada has no case." He continued: "You understand that this is entirely subject to change, which may come from hearing the oral arguments."

The case was then elaborately argued by Sir Robert Finley the Attorney General of Great Britain; and by Sir Edward Carson the Solicitor General, on one side, and by Mr. Dickinson and Mr. Watson and Mr. Hannis Taylor for the United States on the other. The arguments were very long and elaborate, but they did not change the facts as presented by the agents.

The meetings of the tribunal were held in the Foreign Office and several times Lord Lansdowne, who was Secretary of State and whom I had known well, sent for me to come in after the sittings of the tribunal to talk about the new Ambassador to the United States, Sir Michael Herbert having died and there being a vacancy in that post. Lord Lansdowne had consulted with me about Sir Michael Herbert when he was appointed and I had strongly urged his appointment, which had proved a great success. It was for this reason that Lord Lansdowne wished to talk to me about the new Ambassador. We also had naturally some talk about the tribunal.

The two Canadian representatives would yield absolutely nothing on any point and it was obvious that a settlement depended on Lord Alverstone. I had in mind what Lord Alverstone said to me at the beginning, but I did not feel at liberty to repeat it, and as the work of the tribunal drew to an end and the decision approached I began to feel some anxiety. Just at that time when the arguments had been finished and all that remained was to make the decision, Mr. Henry White, who was then Secretary of Embassy, told me that Mr. Balfour, whom I had known well for many years, would like to have a talk with me. So one day after the tribunal had adjourned I went to Mr. White's house, just back of Whitehall, and met Mr. Balfour. He said he wanted to know in confidence the situation and I told him what it was as well as I could. He was extremely anxious in regard to it and I shall always remember how, after we had been talking some time, he got up and stood in front of the fire and said to me: "All the world at this moment is talking about the Duke of Devonshire's withdrawal from the Cabinet on account of Mr. Chamberlain's protection policy; but I say to you frankly that that matter and all similar matters are as nothing, in my judgment, compared to the importance of a settlement of this Alaskan dispute. It is full of

peril and it must be settled." We had some further conversation. Of course he said nothing to me except what I have quoted, beyond going over the chief facts of the case.

A day or two afterwards the commissioners met for decision and it appeared that there was no possibility of any agreement whatever between the Canadians, who would assent to nothing, and the American commissioners. Lord Alverstone then met with the American commissioners alone and repeated what he had said to me on the first day, and that, after hearing the arguments, he was still of the same opinion, that the Canadians had no case. He said: "On the question of the line to be drawn on the Portland Canal you must compromise with me. I must have something to go back with." Our case was as strong on the Portland Canal as anywhere else, but the point was not an important one and we yielded it.

There was a great outcry in Canada over the decision but they accepted it, as I felt sure they would, because they had no choice, and the Alaskan question was settled. With the settlement of the question the road was clear for the other controversies with Canada and they were all settled by Mr. Root — the international boundary, international fisheries, international water-power, and the like — after he became Secretary of State. The importance of this Alaskan decision, cannot in my opinion be over-estimated. If we had become involved in a war with England and Canada or in a serious clash on the boundary, not only would all the other questions have remained unsettled, but the attitude of the United States toward England would have been of such a character as to have embarrassed us most seriously when the great war of 1914 broke out. For the good relations of the two countries this was far more important than the Clayton-Bulwer treaty, because in that case England was as anxious as we to have the Canal built and was quite ready to have us build it. But with the feeling in Canada on the Alaskan question England was in a very embarrassing position. We owe the settlement to the firm attitude of President Roosevelt, to the courageous decision of Lord Alverstone, to the merits of the case and to the attitude of Mr. Balfour and the British Ministry.

In the 1908 convention Mr. Lodge was permanent Chairman, chiefly to prevent the nomination of Roosevelt, of which there was always real danger, and to make certain the nomination of Taft. In the course of his address Mr. Lodge said:

The President, who has led his party and the people in this great work, retires by his own determination from his high office, on the

4th of March next. His refusal of a renomination, dictated by the loftiest motives and by a noble loyalty to American traditions, is final and irrevocable. Anyone who attempts to use his name as a candidate for the Presidency impugns both his sincerity and his good faith, two of the President's greatest and most conspicuous qualities, upon which no shadow has ever been cast. That man is no friend to Theodore Roosevelt, and does not cherish his name and fame, who now from any motive seeks to urge him as a candidate for the great office which he has finally declined. The President has refused what his countrymen would gladly have given him; he says what he means and means what he says, and his party and his country will respect his wishes as they honor his high character and great public service.

President Roosevelt wrote Mr. Lodge expressing great appreciation of the way in which Mr. Lodge had controlled what was in fact a very delicate situation and said, among other things:

I cannot too strongly say how high I put your success as presiding officer of the Convention. Speaking quite dispassionately and simply as an historian I do not believe that any other speech ever made before a national convention will rank with yours. Very, very few such speeches will go down in history; but yours certainly will, even though not one other should. . . . Personally it was, of course, to me a matter of very great importance that it should be my closest friend, the man whom everybody recognized as speaking for me who required the convention to guard my honor, to respect my good faith.

The end of President Roosevelt's administration marked an epoch in Mr. Lodge's life. Mr. Lodge had been his intimate social, literary and political friend and adviser. He had been his spokesman and defender in the Senate and had enjoyed his confidence to a degree not enjoyed by any other person outside of Roosevelt's immediate family. Roosevelt's opinion of Lodge was of the highest. On one occasion he spoke of him as one, who "abhorred the business of the spoilsman, who efficiently and resolutely championed the reform of the Civil Service at every turn and without whom (and others of like opinion) the whole reform would certainly have failed." Elsewhere and in another connection Roosevelt spoke of Lodge as one "who throughout his serv-

ice in the Senate and House has ever stood foremost among those who upheld with foresighted fearlessness and strict justice to others our national honor and interest." Speaking of his preparation for the war with Spain as Assistant Secretary of the Navy, Roosevelt said: "I was in the closest touch with Senator Lodge throughout this period and either consulted him about or notified him of all the moves I was taking." And, finally, when he was President, Roosevelt said:

> For several years Senator Lodge has been my close personal and political friend, with whom I discussed all public questions that arose, usually with agreement, and our intimately close relations were of course unchanged by my entry into the White House. He was of all our public men, the man who had made the closest and wisest study of our foreign relations, and more clearly than almost any other man he understood the vital fact that the efficiency of our navy conditioned our national efficiency in foreign affairs — anything relating to our international relations from Panama and the Navy to the Alaskan boundary question; the Algeciras negotiations, or the peace of Portsmouth, I was certain to discuss with Senator Lodge.

Roosevelt's reference to the Algeciras conference prompts the following quotation from a letter to me from Mr. Lodge in 1915:

> In 1905, when the first Moroccan incident occurred, and it looked very much like war, Theodore wrote a very strong letter to the Kaiser in which he said that the civilized world would regard war with France with horror and that he would bring down on himself the hostility of all civilized nations; at least that was the substance of the note. The Kaiser replied that there would be no war and that he would be glad at any time to do what Theodore advised. That danger passed and the result was the Algeciras Conference, where Harry White represented the United States. You may recall that the conference came to a deadlock and appeared to be about to break up. Theodore said to me one afternoon, when we were riding and discussing the subject: "I have cabled to the Kaiser, reminding him of his note and asking him to take steps to secure the conclusion of the Conference. I do not know whether he will do anything, but I have done my part." The result was that the German resistance was withdrawn and a settle-

ment reached. White told me he did not know that Theodore had done anything, but that he was struck with the sudden disappearance of the German opposition and the quick settlement which followed, all the result of the cable. White believes now that if Theodore were President and Root Secretary of State, their prompt intervention before the Belgian frontier was crossed might have arrested the whole thing [referring to the Great War]. I doubt this very much, but it would have put the United States in a very strong position and would have saved us many of the troubles which have since ensued.

As the Convention of 1912 drew near there was much speculation whether Roosevelt would be a candidate for nomination in the Republican Convention. He finally decided to be and announced his intention on February 24, 1912.

Three days previously, he made a speech at Columbus, Ohio, on "A Charter of Democracy," in which, among other things, he advocated the recall in certain cases of judicial decisions. This speech alienated Mr. Lodge, as it did hundreds of thousands of Republican votes. Had that speech not been made Roosevelt would have been nominated in 1912; and, if elected, the history of the world would have been changed. The conditions that ensued caused Roosevelt's friends who did not follow him much anguish of spirit. Mr. Lodge, who was the most intimate of them, wrote me on March 21, 1912:

You and I know, and perhaps a few others, that Theodore is absolutely sincere. He feels that he has a mission; the presidency to him is merely incidental and he believes that he is heading a great movement in behalf of popular rights and popular freedom. The world thinks and will continue to think otherwise, and that is one of the aspects of the case which makes me very unhappy. The whole situation is as painful to me, personally, as possible and you, I know, are one of the men who feel exactly as I do. I can not sacrifice my convictions and follow him in his crusade and I will not fight him personally. You saw my statement and I am sure that you understood how I felt. It is all very distressing to me.

On the campaign of 1912, Mr. Lodge wrote me in August, 1915:

I have just a word to say in regard to two subjects . . . one is the recall of judges and the other is the use of the Dred Scott case.

There is no doubt that from his earliest years Theodore revolted against the tendency shown here and there by the courts to declare laws unconstitutional, although the laws themselves were in the highest degree desirable for the public welfare. The mistake he made, to my mind, was in the method which he selected for curing this evil, which pertains only to a small per cent, of course, of the decisions.

The mistake, I may add, was owing, I think, to his lack of legal training. The point I would make is this: In this country alone have the Courts the power to nullify a law, practically by holding it to be in contravention of the fundamental law embodied in the Constitution. We owe the existence of that power, in its development, to John Marshall.

Personally I believe in it and think it has been of great advantage in the vast majority of cases to the people of the United States, but I can quite understand anyone taking an opposite view. This power of the Courts is either right or wrong. If it is right, it ought to be maintained, and not overthrown because here and there bad decisions have been made under it. If it is wrong, it ought to be done away with, but — taking now Theodore's position — it is to my mind a great mistake to maintain the power and limit it by an appeal to a tribunal wholly unfit to pass upon legal questions. If Theodore had said that this power, which has been a growth and which exists in no other country, ought to be taken away from the Courts by Constitutional amendment, whether one agreed with him or not, it would be necessary to concede that his position was logical and defensible; but when he says, let us maintain this power, which to his view was subject to such serious abuse, but let us limit it by taking an appeal to the voters, he adopted a ground which it has always seemed to me was neither logical or defensible.

In other words, it is not his objection to the power with which I am at odds, but his proposal to retain the power and then cure the abuse by an appeal from it in a manner which would be destructive to the entire judicial fabric. . . .

As to the Dred Scott decision, his citation of that and of Lincoln's attitude in regard to it shows again the absence of legal training. I made a careful and elaborate study of Lincoln's whole discussion of the Dred Scott decision. . . . Nothing could be clearer than the fact that Lincoln's view of the Courts was almost diametrically opposed to Theodore's. It is quite true that Lincoln criticized the Dred Scott decision, but he criticized it as a great lawyer would criticize it and he did not propose in any sort of

way, because of the Dred Scott decision, to do anything which would break down the Courts.

His view, an absolutely proper one, was that the decision ought to be reversed, but it never dawned on his mind to suggest that there ought to be an appeal to the voters against it.

Meantime, and for some time previously, Mr. Lodge had been making speeches upon all the important matters that came before the Senate — National Banking laws, sending our Navy to the western coast and around the world; tariff, and, at great length and with much learning, the proposed Constitutional amendment to elect Senators by the people, which he did not favor.

When, in 1912, Japan sought to get control of Magdalena Bay in Mexican territory of Southern California, he introduced a resolution in the Senate objecting to this acquisition, thus serving the same notice on Asiatics that had previously been served upon European countries, that: Not only must the Monroe Doctrine be respected, but that if we should feel that the possession by a foreign power, for military or naval purposes of any given harbor or place would be prejudical to our safety, it would be our duty as well as our right to interfere. He also spoke on Panama Canal tolls, a subject then attracting much attention. He was originally in favor of free passage for our ships, believing that was our right, but when England contended for another construction, he said: "I think on the face of the words either view can fairly be taken. I do not wish anything done by which this government could ever be exposed to the suggestion even, of not acting in good faith under a treaty."

Mr. Lodge also favored a bill to give effect to the convention between the governments of the United States, Great Britain, Japan and Russia for the preservation and protection of the fur seals and sea otter, which frequent the waters of the North Pacific Ocean, and called the attention of the Senate to the interesting fact that Mr. Hamlin of Maine reported out a Resolution from the Foreign Relations Committee on June 7, 1874, which was agreed to without debate, recommending the adoption of arbitration to determine international differences, which had become the settled policy of

this country. Meantime, on August 1, 1914, war was in effect declared upon the world by Germany.

Lodge's tenacity in defending the rights of Congress against encroachment by the Executive, whether Republican or Democrat, is constantly in evidence in his speeches. In that upon Mexico, in the Senate, of January 6, 1915, he said among other things:

> When the revolution broke out, as every one will recall, President Taft sent an army of twenty thousand men to the border to maintain peace in that region. After Madero had taken the oath and become President de facto of Mexico, the disturbances still continuing, President Taft issued a proclamation of neutrality March 2, 1912. On March 14, 1912, Congress passed a resolution giving the President power, when he found that in an American country conditions of domestic violence existed which were promoted by the use of arms or munitions of war procured in the United States, to forbid the export of such arms or munitions of war, and on the same day President Taft exercised this power and laid an embargo on the export of arms to Mexico.
>
> Mr. President, at the time it seemed to me that the action of Congress was reasonable. It made no opposition to it. I think it was generally agreed to on both sides. But subsequent events in Mexico convinced me of the unwisdom of giving such an authority to the President. The Constitution reserves to Congress the sole right to declare war. To put in the hands of the Executive the opportunity to alter at will neutrality laws which have been in existence more than a hundred years, is going far toward impairing the authority of Congress in the great function of declaring war or maintaining peace. We can see how it operated in this case. President Taft imposed an embargo on the export of munitions of war and arms, and it was a direct aid to the Madero Government, which was then facing an insurrection. Then President Wilson, at a later period, lifted the embargo, and that was a direct aid to the insurgents who were opposing the Government of General Huerta. I think this is a power which should not be in the hands of any one man, and I think, moreover, that it is a mistake to subject the Chief Executive to the pressure which the existence of that power in his hands necessarily causes — pressure from one side or the other and from all sorts of influences, which may be sinister or the reverse. The alteration of the neutrality laws is a grave duty which ought to remain in the hands of Congress, which has the sole authority to declare war.

Mr. Lodge becomes mildly critical of President Wilson in another part of this speech in which he says:

> It is not usual, Mr. President, in entering into negotiations, even through a personal emissary, no matter how informal the emissary's position may be, to demand of the head of the Government, with whom that emissary is to communicate, that he should abdicate. Such a demand crudely stated laid us open to a telling retort, and that is the reason why the then Secretary of Foreign Affairs in Mexico was so successful in his reply. General Huerta refused to abdicate and the correspondence to which I have referred ensued. . . .
>
> The President (Mr. Wilson), who disapproved of his methods, as we all disapproved of them, now had added to his feelings a personal resentment because General Huerta had not obeyed the President's demand for his abdication. The President is a man accustomed to obedience, and I can quite understand that he should feel a natural resentment at General Huerta's seeming indifference to his request.

In the following month, Mr. Lodge's references to President Wilson become more critical: "I think when the President is approaching a new subject, the first thing he does is to make up his mind and when his mind is made up, the thoughts which in more ordinary mortals are apt to precede the decision or determination of a great question are excluded. I am reminded of a little rhyme written many years ago in regard to a celebrated Oxford don:

> My name is Benjamin Jowett;
> I'm the Master of Balliol College;
> Whatever is known, I know it,
> And what I don't know isn't knowledge."

In the Convention of 1916 Mr. Lodge was one of the Delegates-at-Large. While his intimacy with Roosevelt had been temporarily interrupted by the terrible campaign of 1912, they were still friendly and a steady correspondence was kept up between them. Lodge's warm affection for Roosevelt had not abated in the least. Furthermore, they were in close sympathy in the effort in which both took an active part to prepare the country for war, not yet declared but sure to be, as they thought, although not so soon as they would have had it.

In the Convention of 1916, Mr. Lodge placed in nomination for the Presidency his colleague, John W. Weeks, for whom he had great affection and high respect, but on the second ballot, voted for Roosevelt. Mr. Hughes was ultimately nominated. Roosevelt was much stronger in the country than he was in the Convention. The feeling toward him was kindly, the desire for his support very strong, a disposition to respect his wishes very general, but that was all. The Progressive Convention, then in session, was insisting upon nominating Roosevelt, to which he would not consent. Roosevelt, in response to a wish that he would suggest someone whose nomination by the Republican Convention would be acceptable to him, named Lodge of whom he said:

> He is a man of the highest integrity, of the broadest national spirit and of the keenest devotion to the public good. For thirty years he has been in the House of Representatives and in the Senate at Washington. For twenty years he has been a member of the Foreign Affairs Committee. For a very long period he was a member of the Naval Affairs Committee. He has not only a wide experience in public affairs, but a peculiarly close acquaintance with the type of questions now most pressing for settlement. He has consistently fought for preparedness for the Navy, preparedness in fortifying the Panama Canal, preparedness in upbuilding the Army. He has been, on the whole, the member with the largest vision and the most intelligent devotion to American needs that we have had on the Foreign Affairs Committee during this generation.

The suggestion made no impression upon the delegates who were impatiently waiting to nominate Mr. Hughes.

Writing me in January, 1923, of Roosevelt and the 1916 Convention, Mr. Lodge said: "He could not have been nominated in 1916 in that Convention, of which I was a member. It was an impossibility and I think they felt toward him exactly as you describe. On the other hand, if he had lived, he would have been nominated, as you say, with loud acclaim, in 1920." And then continuing, referring to the 1912 campaign, he added:

> In 1912 he would have been nominated if he had not told his men not to vote because they must not recognize the Convention.
>
> If his men had voted, as Murray Crane told me, nothing could

have prevented Roosevelt's nomination. If he had been nominated then he, in my judgment, would have beaten Wilson and the history of the world would have been changed.

It is heart breaking to think of it all. . . . The most cruel misfortune that ever happened to me in my public life was when Theodore made that Columbus speech, making it impossible for men like you and me and thousands of others who wanted to support him and vote for him, to do so. If he had not made that speech, nothing could have stopped his nomination. He would have swept everything.

Mr. Lodge was not always at variance with President Wilson. He highly approved of his action in February, 1917, in severing diplomatic relations with Germany and handing the German Ambassador his passports, and in the same month favored acquiescence without objection to every extension of Presidential power. Mr. Lodge was very vigorous in his support of compulsory military service, and, of course, warmly favored allowing Roosevelt to recruit a division and accompany it abroad, something that the Democratic administration frowned upon. In a speech made at the Republican State Convention in Boston on October 23, 1916, Senator Lodge spoke at some length of his relations with Mr. Wilson:

In what I am about to say concerning foreign relations I do not criticize the President because he is a Democrat and I am a Republican, for in dealing with foreign relations I have at no time since I have been in public life approached them in a party spirit, and so long as I continue to hold the commission of Massachusetts I shall never do so. In the many shifts and changes made by this Administration in international relations it would have been impossible that at some point in their movements they should not have occupied the right ground. The President, like Mrs. Wititterly, " forms and expresses an immense variety of opinions on an immense variety of subjects." He can hardly fail, under the circumstances, to be right occasionally, and when he has been right he has had my support. I gave my best aid, and I think I gave substantial help, to the ratification of the treaties with Nicaragua, with Haiti, and with Denmark for the purchase of the Danish Islands. The Nicaragua treaty was in substance the same as the one sent in by Mr. Taft and defeated by the Democrats as a party. The treaty with Haiti was a continuance of the policy embodied in the treaties with Nicaragua and San Domingo, which was the policy of Roosevelt. The treaty for

the purchase of the Danish Islands was carrying out the policy of Seward in 1868 and of Roosevelt and Hay in 1902. The fact that these treaties, which embodied Republican policies, were brought forward by a Democratic Administration in no respect altered my support of every one of them. The President, again, took the right ground at the beginning of the war in Europe as to armed merchantmen, a position consistent with international law and the unbroken American practice. He had my support. On the 18th of January, 1916, he sent a note to the powers which involved a change of this position, and he encountered my opposition in the Senate and that of many others there and elsewhere. Owing to this opposition, and perhaps to other reasons, he reverted to his original and correct attitude and he regained my support, which I cordially gave him upon the questions raised by the McLemore and Gore resolutions. In the spring and summer of 1915 he took what I considered the right position in the very vital question of the proposed embargo upon the export of munitions of war. I gave him my strong and outspoken support and I gave it when his adherents in this State who, with the earnestness which arises from a lively sense of favors to come, were bawling shopworn eulogies of the Chief Executive from every platform, preserved a dismal silence on this important question for reasons best known to themselves. I shall continue to give him support on this question until he changes his position, and of course no one can tell when that will happen. I therefore may say with justice that I criticize him now, not as a Republican opposed to a Democrat, but as an American resisting policies which he believes in the highest degree humiliating and discreditable to his country. . . .

To have held in little more than three years sixty to eighty opposed opinions on thirty to forty subjects is enough to destroy confidence in any government. This Administration seems to have adopted the immortal principle laid down by Mr. Pickwick, who said:

"Hush. Don't ask any questions. It is always best on these occasions to do what the mob do."

"But suppose there are two mobs," suggested Mr. Snodgrass.

"Shout with the largest," replied Mr. Pickwick.

Volumes could not have said more.

This rule has its risks, for a mistake may be easily made even by attentive persons with both ears to the ground as to the comparative size of the different crowds. The Pickwick doctrine, moreover, applied to public questions is perilous, and when followed by an Administration in dealing with international relations it is fatal.

On January 3, 1917, the Peace Note of the President was under consideration. Part of it was as follows:

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to co-operate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

Referring to this, Senator Lodge said:

I am not going to discuss now the merits of our engaging and associating ourselves with the powers of Europe. I merely point out that it is a departure from the hitherto unbroken policy of this country, a departure so important that it does not seem to me that it ought to be hastily taken. This part of the note does not concern peace; it concerns the future policy of the United States. If carried out, it means an abandonment of the policy we have hitherto pursued of confining ourselves to our own hemisphere, and makes us a part of the political system of another hemisphere, with the inevitable corollary that the nations of that other hemisphere will become a part of our system.

Speaking of the President's plan for a world peace proposed to the Senate in January, Senator Lodge said on February 1, 1917:

Nothing could be plainer or more direct than that statement, and if we are to advance from the voluntary stage, it must be, as the President says, by a league for peace behind which is the organized major force of mankind. I fully agree with the President that if we are to have a league such as he describes and are to enforce peace, it must be done in just the way he has stated. As a general proposition nothing could be more attractive for those who desire the peace of the world. I confess that when I first began to consider it some two years ago it presented great attractions to me, but the more I have thought about it the more serious the difficulties in the way of its accomplishment seemed to be. . . .

If, therefore, a decision has been made in a dispute between nations by the tribunal and authority of the league, all the mem-

bers of the league are bound by their treaties to contribute their share toward the enforcement of the decision, and if a recalcitrant nation resists, it means war and the vindication of the power of the league which has the control of the major force of organized mankind. The authorities of the league would, of necessity, have the power to call on every member of the league to send out its quota to the forces of the league and the nations forming the league would find themselves, of necessity, involved in war. . . .

If that means anything definite, it means an international police force of not less than 5,000,000 men, in which the share of the United States would be at least 500,000.

Will it not be worth while to pause a moment before we commit ourselves to an army of 500,000 men, to be held ready for war at the pleasure of other nations in whose councils we shall have but one vote if we are true to the President's policy of the equality of nations? . . .

Let me take two examples of questions which we must be prepared to face as members of a league for peace "supported by the major force of mankind." If, as I have already said, such a league is formed, it must deal with questions of vital interest and go beyond the limitations of voluntary agreements, for if it does not, there will be no advance on the present conditions. Assume that such a league has been formed, with the powers which I have outlined. China and Japan, we will say, acting on the principles of brotherhood of man which this league is to embody, come before the representatives of the league and demand for their people the right of free emigration to Canada, Australia, and New Zealand, which now practically exclude them. Suppose the league decides that the people of China and Japan ought not to be deprived of the right to migrate anywhere, and that Canada, Australia, and New Zealand, backed by England, decline to accept this decision. The league will then proceed to enforce its decision, and we shall find ourselves obliged to furnish our quota to a force which will compel the admission of Asiatic labor into Canada. Are we prepared to make war upon Canada in such a cause as this, our quota of the forces of the league perhaps being under the orders of a Japanese commander-in-chief? Let us turn the question the other way. Suppose the Asiatic powers demand the free admission of their labor to the United States, and we resist, and the decision of the league goes against us, are we going to accept it? Is it possible that any one who wishes to preserve our standards of life and labor can be drawn into a scheme, veiled by glittering and glancing generalities, which would take from us our sovereign right to de-

cide alone and for ourselves the vital question of the exclusion of Mongolian and Asiatic labor? . . .

I hear already the clamor of those who have been shrieking for peace at any price and denouncing all armaments, rising around us with the passionate demand that we shall immediately join a league of peace, about the details of which they neither know nor care, but which will compel the establishment of large naval and military forces and which may plunge us into war in any quarter of the globe at any moment at the bidding of other nations. Such is the magic of a word to those who are content with vocal sounds and ask only that the word they love be shouted with sufficient loudness. But they, too, if they persist, will meet the day when words are vain, when there is no help or shelter in language, and when they must face relentless, unforgiving realities. I know well the question which can be put to me, and probably will be put to me here and elsewhere: "Are you, then, unwilling to use the power and influence of the United States for the promotion of the permanent peace of the world?" Not at all; there is nothing that I have so much at heart. But I do not, in my eagerness to promote the permanent peace of the world, desire to involve this country in a scheme which may create a situation worse than that which now exists. Sometimes it is better to "bear the ills we have than fly to others that we know not of." There are measures which will promote peace and which are wholly practicable. The first and most important is the protection of our own peace against foreign attacks. That can only be done by national defence, and we have no adequate national defence now.

This is a suitable place to indicate Mr. Lodge's original attitude towards a League to Enforce Peace which aroused much controversy in the debate on the Versailles Treaty, in which Mr. Roosevelt also became involved.

Mr. Roosevelt once called my attention to the fact that he had made the first reference to a League to Enforce Peace in a speech he made before the Nobel Prize Committee at Christiania, Norway, in May, 1910, in which he favored arbitration treaties, a further development of the Hague Tribunal, a court of arbitral justice, a check to the growth of armaments, especially naval armaments, by international agreement and finally a League of Peace, not only to keep the peace among the great powers, but to prevent, by force, if necessary, its being broken by others. Mr. Lodge, writing on this subject under date of November 30, 1923, said:

Theodore spoke in Norway in 1910 in favor of a league of peace supported by force, as you quote. He also made a speech in the autumn of 1914, taking the same general line. . . . He changed his mind about it, just as I did, for in 1915 I took the same ground that he had taken. I made a speech on the 21st of December, 1918, in regard to the coming peace of Paris. Theodore fully approved this speech and wrote an article in the *Kansas City Star* about it, in the course of which he said: "We ought not to undertake the task of policing Europe, Asia and Northern Africa; neither ought we to permit any interference with the Monroe Doctrine, or any attempt by Europe or Asia to police America."

Our views went together throughout and he made the statement in the *Kansas City Star,* dictated on January 3, 1919, to which you refer. I saw him within a week or ten days before his death. We had two long talks about the league of nations; no draft had then appeared, but the main features of it had been pretty thoroughly sent over in the despatches, and he and I agreed about it entirely. As he considered the question of a league of peace, backed by force, he came to the same conclusion that I did, that it was something in which we did not wish to be mixed up; in fact, that is very clear in the quotation I have just made from the article in the *Kansas City Star* on my earlier speech.

Mr. Lodge made several speeches during the early part of 1917 upon our foreign relations. When our diplomatic relations with Germany were severed, he said that he would support the President to the extent of his power and urged that personal feelings, political enmities, should all be laid aside and that all citizens of our country should stand together as Americans. He said that he would refuse the President no authority and no money needed for the defence of the United States, but he added that he was not ready to accept every kind of extension of Presidential power relating not to war but to peace, and protested against the persistent attempt to efface the powers of Congress. "It is not merely the President, it is not merely the Cabinet officers, every commissioner, every head of a bureau, every jack in office dressed in a little brief authority, is coming up here trying to take from the Congress of the United States the powers that belong to it."

It was on December 2, 1918, that President Wilson addressed the two Houses in joint session and said that he proposed to join the representatives of the Allied Powers in

Paris for the purpose of discussing with them the main features of the Treaty of Paris.

Later in that month, speaking on the subject of the League of Nations, Senator Lodge said: "It is difficult to discuss it at this time, because no definite plan of any kind has yet been put forward by any responsible person. . . . The attempt to attach the provisions for an effective League of Nations to the treaty of peace now making with Germany would be to launch the nations who have been fighting Germany on a sea of boundless discussion, the very thing Germany most desires."

Again referring to the same subject a few days later, Mr. Lodge disclaimed any purpose to attack the President or make party capital out of the question.

The great debate on the Treaty of Versailles came on during the summer of 1919.

When President Wilson made his speech in Boston on February 4, 1919, upon his return from France, the American people, if a referendum vote could then have been taken, would probably have approved the Treaty of Versailles with the League of Nations in the terms President Wilson proposed. If Senator Lodge had sought what was then the popular side of this question, he would have supported the views of the President.

March 4, 1919, Mr. Lodge introduced a resolution, which was not acted upon, expressing the sense of the Senate that the Constitution of the League of Nations, as then proposed, should not be accepted; that a peace treaty be first negotiated, and that the proposal for a League of Nations should then be taken up, for careful consideration. Thirty-seven Senators had indicated in writing that they would vote for such a resolution. More than one-third of the Senate were on record as opposed to the League of Nations in the form proposed.

President Wilson challenged the position of the Senators thus expressed in a speech in New York on the evening of that day March 4, 1919, the day before he again sailed for Europe, in which he said: "When that treaty comes back, gentlemen on this side will find the Covenant (of the League of Nations) not only in it, but so many threads of the treaty

tied to the Covenant that you cannot dissect the Covenant from the treaty without destroying the whole vital structure."

Although the President of the United States, acting under the authority of the Constitution, had negotiated a treaty with other nations, it remained to submit the treaty to the Senate for its approval, for the Constitution provides that the President " shall have power by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The power and responsibility of the Senate are real, and the responsibility of the Senate in consenting to a treaty is just as great as that of the President in making it.

In commenting upon this clause in the Constitution, Alexander Hamilton once wrote:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

It would not be profitable to discuss the details of the debate. Senator Lodge was the leader of those Republican Senators who believed that the treaty should be amended and to that task devoted his great powers.

On September 10, 1919, he reported from the Committee on Foreign Relations the Treaty of Peace, which had been laid before the Senate on July 10. The Committee proposed certain amendments to the text of the treaty and certain reservations to be attached to the resolution of ratification.

The principal amendments sought to secure for the United States a vote in the Assembly of the League equal to that of any other power, the transfer to China of the German lease and rights, if any, which were given by the treaty to Japan, relieving the United States from having representatives on commissions established by the League which would deal with questions in which the United States could have no interest.

The Committee proposed four reservations which, in general, gave the United States the unconditional right to withdraw from the League, upon notice, which relieved the

United States from any obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations; which reserved to the United States the right itself to determine what questions are within its domestic jurisdiction and providing that such questions should be solely within the jurisdiction of the United States; and finally the declination of the United States to submit for arbitration any question which, in the judgment of the United States, depends upon or relates to its long established policy commonly known as the Monroe Doctrine.

On November 19, 1919, the Treaty came up, the first time, for ratification. Mr. Lodge had put in the record a copy of a letter of the same date to Senator Hitchcock from the President which condemned the Lodge reservations, as a nullification of the Treaty and advised that friends and supporters of the Treaty vote against them. Mr. William Allen White, one of Mr. Wilson's biographers, says that Mr. Hitchcock, the Democratic Chairman of the Committee on Foreign Relations, called on the President, who was then in the White House, and suggested that, "perhaps the time had come to extend to Lodge and his followers the olive branch, in the interests of an equitable settlement."

The account continues: "The sick man closed his eyes, shut his mouth and was silent for a moment. Then he replied in the deadly voice which closed the episode — 'Let Lodge extend the olive branch.'"

In another place Mr. White says: "And if he put his curse upon Lodge in those days and upon the fifteen irreconcilables in the Senate, they were the good round curses of a man who knew the joy of a quenchless hatred."

The vote upon the ratification of the Treaty was 39 yeas, among them Mr. Lodge; 55 nays, 1 not voting. So the resolution of ratification was rejected. Then this action was reconsidered by a vote of 63 to 30.

At the next session, the Treaty was referred back to the Committee, and again reported out with substantially the same reservations.

On March 9, 1920, Mr. Lodge, in connection with a statement in regard to the reservations, referred to a letter from

the President to Senator Hitchcock of the previous day, in reference to Article 10, and said: "Article 10 is the one pure force article of the Covenant. He (the President) discards all the others and stands on that alone. It is well that he has said it; the issue can be veiled no longer; it justifies the position that we, on this side, all alike, have taken, that there must be no obligation imposed on the United States to carry out the provisions of Article 10."

On March 19, 1920, on a roll call, forty-nine Senators, including Lodge, voted for the ratification of the Treaty with the reservations, and thirty-five against — twelve not voting. Not having received the affirmative vote of two-thirds of the Senators present and voting, the Senate did not advise the ratification of the Versailles Treaty. On the same day Mr. Lodge asked for unanimous consent to take another vote on the ratification resolution of the treaty, provided that all votes were covered — Mr. Hitchcock objected. Mr. Lodge then offered a resolution, which was agreed to, to return the treaty to the President. Thus ended the great duel between the President and the Senate. Mr. Lodge and his followers had defeated the President's League of Nations but the President had defeated the possibility of any League of Nations. Seven more votes were needed to ratify and they could easily have been supplied if President Wilson had been willing to accept the reservations proposed by a majority of the members of the Committee on Foreign Relations. It was President Wilson and not Senator Lodge who killed the League of Nations, a League with which the present advocates of the League idea would be abundantly satisfied. I have often heard it said that while Senator Lodge voted twice for the ratification of the treaty, he really had no interest in it and secretly hoped that it would be defeated. Ordinarily it would be impossible to argue this question for it is difficult, nay impossible, to know what are the thoughts of other people. We usually must form our judgment upon recorded facts and these would justify us in asserting that Senator Lodge was a consistent supporter of a treaty properly amended and of the League of Nations with suitable reservations.

There has, however, come to me, quite by accident, some

interesting and rather convincing testimony of Senator Lodge's good faith in this matter. It is in the form of a conversation with Mr. Lodge which Mrs. Douglas Robinson had and which she repeated to me in December, 1924. At my request, she wrote it out, and here it is:

In March, 1920, I was paying my annual visit to Senator Lodge in Washington. The possible ratification by the United States of the League of Nations was to come up for the last time before the Senate.

On the morning that this was to take place, as Mr. Lodge left me to go to the Capitol, he turned and said: "When I return this evening I shall have in my pocket the draft of the ratification of the League of Nations, with reservations, by the United States."

"Are you quite sure?" I asked.

"Yes," he replied, "I am positive that I now have enough Democratic votes added to my Republican votes, to make this possible."

He seemed elated at the prospect, and left the house with an air of certainty.

That afternoon I returned from the British Embassy, where I had been taking tea, to find him standing in his library before the great fireplace and piling logs on the andirons. The very moment I entered the room, I realized the depression of his attitude and I decided to say nothing about the League of Nations unless he started the subject. In a moment or two he turned round to me and said, "I realized in your voice this morning that you doubted the possibility of the ratification of the League. You were right — just as I thought that I had everything settled and that my number of Democratic votes was ample in every way, a sinister, unseen hand came out from the White House and drew away my Democrats and I could do nothing."

The above conversation, of course, I give you from memory, but it was so unique an incident that my memory is very vivid on the subject.

Nor, can Mr. Lodge's conduct throughout this great debate, which changed the views of the American people upon the wisdom of adhering to the Covenant of the League of Nations, just as it was submitted to the Senate by President Wilson, be attributed to the alleged hatred of the former for the latter? The views held by Mr. Lodge and expressed

by him throughout this contest were the views he had always expressed upon the great principles involved. If any personal hatred was decisive of the result in this duel between the President of the United States and Senator Lodge, it was that felt for Mr. Lodge by the President. I should hesitate to admit its existence but for the statement of President Wilson's biographer, Mr. White: "And if he put his curse upon Lodge in those days and upon the fifteen irreconcilables in the Senate, they were the good round curses of a man who knew the joy of a quenchless hatred."

President Wilson was unmoved by the arguments and persuasion of his friends and spurned a League of Nations which he might have had.

Senator Lodge's attitude on this and kindred questions, one that he had held for many years, is well expressed in a speech he made in February, 1912, upon the Arbitration Treaties with Great Britain and France in the course of which he said:

> The framers of the Constitution were determined that the relations of the United States with foreign nations should not pass beyond the control of the representatives of the states which had resigned this great power to the care of the General Government. The history of our foreign relations, therefore, is the history of the joint action of the President and the Senate, and in every phase of those relations from the foundation of the Government, the Senate has been deeply concerned. . . .
>
> I know that men grow restless in the presence of the truth which lies in what I have just said. We all feel the natural human impatience to be rid at once of all the evils of our time, but we should take to heart the lesson that the great and lasting advances are those which have been slowly made, whereas those which were the offspring of a moment, which have tried to accomplish too much and sought a panacea, where none was to be found, have not only perished, but have only too often left the cause of sane progress crippled and deformed and the condition of mankind worse even than it was before. We all rebel against the slowness of the movement toward the light and upward to the perfection which we must always seek, even though it may never be obtained — yet it is the true movement and the best one after all.

This habit of acting upon his own convictions was again illustrated in his voting for the Bonus Bill in the Harding and

Coolidge administrations, in both of which he voted to pass the bill over the President's veto.

Another great Senator of Massachusetts at one time had fallen under the displeasure of the people of his state, and a resolution of censure of Charles Sumner, later expunged, was spread upon the records of our legislature. One of his eulogists in the course of his address said —

"Let the dead man have a hearing"

and so I say of Mr. Lodge

"Let the dead man have a hearing."

These were the reasons for his action in that case, contained in a letter to a lifelong and intimate friend, who disagreed with him and had expressed an earnest wish that he would vote against the Bonus Bill.

The question of granting the bonus as a matter of public policy is one question and not a difficult one, but the excitement roused over this matter, particularly in business circles, whence issued the very violent opposition, added another question to it which really should have had no place in the discussion. The real question was as to, first, the merits of the bonus — that is, whether it was deserved and ought to be granted, and second, whether the financial situation was such as to permit the granting of the bonus. I gave the matter very careful consideration. I was satisfied from the beginning that, with my beliefs, it was proper and right to make this payment to the soldiers. I also came to the conclusion that the United States, by proper financial arrangements, could pay the bonus without any undue burden on its financial resources. My reasons for giving the bonus are set forth in the speech which I sent you. The financial side seemed to me very clear. Of course, the people of the United States are going to pay the money necessary for the bonus — of that there can be no question, but there is a very great difference between paying it immediately, the day after the bonus passed, which seemed to be the common conception in regard to it, and paying it over a period of time. In the latter case payments could be made so that they could be taken care of out of current expenditures, and, with the natural growth of the revenue from year to year. It was on the financial ground alone that Harding based his veto. That is an arguable point. There can be an honest difference of opinion as

to paying the bonus at all. There can also be an honest difference of opinion as to the financial effect — the latter, however, is much easier to answer. Let me say just a word about the financial point. There was no difference between the two bills — the one of '22 and the present bill — except the present bill was a better bill, but one of the grounds of opposition most violently put forward was the ruinous effect of granting the bonus. I was told by hundreds of letters and telegrams that voting for the bonus would bring on a panic and that it would make it impossible to pass a revenue bill or make any reduction of taxation. People were so excited that it was useless to deny their proposition, but the facts following the passage of the bonus have answered them conclusively. There was no panic in the stock market after the bonus passed. The day after the passage of the bonus there was a net decline in Government securities of one-quarter per cent, no more than the ordinary fluctuations which occur from day to day in the bond market. The stock market opened the day after the passage of the bonus from two to four points lower, but recovered that decline before the market closed in the afternoon, and two days after the bonus passed the stock market prices were somewhat higher than they were before the bonus was voted. That disposes of the panic in the market. The market has declined, but for general reasons which have been taking effect throughout the spring and are operating now, owing to a falling off in the general activity of business. These figures show that there was absolutely nothing in that particular financial argument, which was used with such violence when final action on the bonus was approaching. The bill provides for a limited insurance for the soldiers who were in the Army, half of whom went to France, and half of whom were ready here in camps to go to France. The final payment of the last of the insurance will occur twenty-five years hence; in the meantime there will be payments from time to time as the lives fall in, and the average will be about one hundred millions a year. This arises merely from the length of time taken for the payment of the bonus, just as the yearly payments of Great Britain on the debt, which cover a period of sixty years, are made manageable by the long period over which they run before completion. The total amount, as I have said, of course, is ultimately paid by the people, but there is all the difference in the world between paying it all at once and distributing the payments over a period of years. There are various estimates as to the total, but I think it is clear that it will not go over three billions. The estimated capital of the United States — that is, the whole property of the people — is estimated I think at the present

time at about 340 billions. It is, of course, idle to suggest that a country possessing that vast wealth, greater than any other country in the world, could not take care of a payment of three billions during a period of twenty-five years if it believed it was a just expenditure and saw fit to make it.

Now, as to the merits of the bonus as a sum to be paid to the soldiers of the war, my reasons for that, as I have said, are given in my speech. I can expand it very much, but I covered the main points. I quite understand that there can be a difference of opinion, and entirely comprehend the President's view. It was his honest opinion as to his duty and as to what it was best for the country to do. To those who take a like view, I entirely concede the sincerity of the views. I only ask that those who thought differently and favored the bonus should be credited with the same honesty of opinion as I think they are entitled to be. But those who were opposing the bonus went much farther. They undertook to make an ethical question involving the principle of right and wrong. If it is wrong, then it is just as wrong for each of the twenty-two States to vote a bonus, my own State being the first to do so and President Coolidge, who was then Governor, signed the bill. The men were the soldiers of the United States, not soldiers of the States, and if it is a question of right and wrong there can be no distinction drawn on the ground that in the States it is a comparatively small mattter, as it was in some cases. It might even be a bonus granted by some city or town. When you once undertake to hold it to be a question of principle, you can not draw the line on the amount. It is no better morally to steal $100 than it is to steal $100,000; the moral is not settled by the amount of the theft; although the amount may be a mitigating consideration, it remains ethically wrong. It seems to me impossible to put an appropriation of money for a gift to the soldiers on any such ground. To say that the bonus given by the State of New York, which is one of the last States that gave a bonus, and which was carried less than one year ago by a majority of 400,000, was morally wrong seems to me simply impossible, but when people get so excited as they did over this question of the bonus, we pass from the psychology of the individual to the psychology of the crowd, which is a very different thing, as that distinguished writer, Mr. LeBon, showed many years ago, and things that the individual would neither say nor do in cold blood alone are often said and done by crowds.

There is one point I forgot on the financial side. Another argument strongly made was that it would prevent any reduction of taxation, and, in fact, the passage of the revenue bill. Since the

bonus was voted on, the revenue bill has passed. It has some serious defects in my judgment, but it was a bill which the President could very properly sign, and he signed it. That bill reduces taxation some 350 millions, as I remember, and among other things takes off one-quarter of the income taxes for this year, a reduction which you and everybody else who has an income are now enjoying. That disposed finally of the proposition that we could not have a reduction of taxation or a revision of the revenue if we passed the bonus. It would take too long to explain the condition of the finances which warranted these reductions, which existed but was overlooked in the calculations of those who were opposing the bonus.

Now, as to my own attitude, having made up my mind that I strongly favored giving the bonus, that it was the right thing to do, and that obviously no moral question was or could be involved, I voted for the bonus when it came up in 1922. I made a speech upon it in the Senate. I was a candidate for re-election at the time and I went back to Washington in the midst of my campaign to vote to pass the bill over President Harding's veto. I mention these things because nothing could have been more public than my position or my action, and the people who elected me again to the Senate in 1922 all knew what my position was. I had made a public pledge not only to those who favored the bonus but to a whole constituency — those who favored and those who opposed — that I would take a certain action in regard to the bonus. When it came up again this year, with no change whatever in the situation, the merits or the character of the question — the bill was a slightly better one than I voted for in 1922 — it never occurred to me that there was but one thing that I could do. I certainly could not change my action under any pressure, and if I had done so, as I have already told you, I should have considered that I acted dishonorably and I should have lost my own self-respect. I do not care one straw whether people agree with me or not on that point. A man's honor and self-respect can be decided by no one but himself. If a thing seems dishonorable to him, it is dishonorable. The President was the presiding officer of the Senate when I made my speech in 1922. He knew my position very well. He never spoke to me about it, and I never referred to it to him. I saw no reason to do so. I may add at this point that nobody could be more considerate than he has been, and he has treated me exactly as if the thing had never occurred. I have the greatest respect for him in every way, and the greatest confidence in him. I shall do everything in my power, of course, to elect him, and am delighted by his nomination, which was assured long ago.

To say, as some people have said, that my first duty was to do as the President wanted without consideration of my own convictions is advocating a principle which I consider destructive of the government. The Constitution confers upon the Congress the right to pass a bill over the President's veto, requiring two-thirds vote to do it. If the attitude of a Senator or a Representative is to be determined by the views of the President, we no longer have a free government, we have simply an autocracy, and on the matter of principle I have no doubt as to what my attitude ought always to be. There is, of course, nothing whatever in the point which has always been made, that I was voting against my party. The Republican party did not name the bonus in its platform of 1920, but made a very sweeping declaration in regard to doing everything possible for the soldiers. Thirty-four Republicans out of fifty-one in the Senate voted for the bonus, and seventeen voted against it — that is, the party action in regard to it was two to one. Another point which deserves consideration and which has had none is that the Senators and Representatives represent the people of the United States just as much as the President, and are elected in the same way. When more than two-thirds in both Houses take a different view from the President, they are given the right under the Constitution to pass the bill over his veto. I should not think of mentioning things like these except that they have been used in the violent campaign which occurred. I think that violence of opinion is subsiding, but it caused great anger in my State, and there were a few politicians who thought that it was desirable to make a point of it at Cleveland. I said nothing; I wanted nothing, and I did nothing in the way of offices at the Convention. I have been three times permanent chairman, once temporary chairman, and twice chairman of the Committee on resolutions. I know of nobody else who has held the position of permanent chairman more than once. . . .

I have kept absolutely silent for I do not want to do anything which could by any possibility be distorted into an argument against the President. Now, there is my case in full and it is written for your own information, because I care so much for your opinion. I do not expect to convert you and get you to agree with me, but I do want you to see that my right to do as I did, by all the rules of politics and honest conduct, was complete. As to the merits of the original question, that is a matter upon which there can be an honest difference of opinion. . . .

One point I did not mention, they began by talking about " commercializing patriotism." With that I had no patience. It finally died away of its own inherent silliness. Abraham Lincoln twice

accepted a bonus or gift in the form of land for forty days' service in the Black Hawk War, applied for it himself. Was his patriotism commercialized? That is a question each soldier must decide for himself. He does not get the bonus unless he applies for it. Taking care of the virtue of other people is not a pursuit that ever appealed to me. 'Tis a dangerous thing to play with souls and matter enough to save one's own."

Senator Lodge was one of the four delegates on the part of the United States to the Conference on the Limitation of Armaments, which sat in Washington from November, 1921, to February, 1922, in the deliberations of which he took a conspicuous part.

For forty years more or less Mr. Lodge was prominent in every national and state campaign. He finally came to be considered the very incarnation of the policies and principles of the Republican Party, past and present, and at him were naturally directed the most virulent attacks of the opposition and so it happened, in the process of time, that he had arrayed against him the almost solid opposition of all those outside the party and for various reasons many within it. He narrowly escaped defeat the last time he was elected in the Legislature, January, 1911 — when he received 146 votes — 140 votes being necessary for election. Of those who voted in the joint Convention 153 were Republicans and 125 were Democrats. The fact is, that his services were so highly regarded by the leaders of the party that no prominent Republican would consent to be a candidate against him. It was sometimes said of Mr. Lodge that he was a political "boss." We have never had a political "boss" in Massachusetts, certainly not since Mr. Lodge came into politics — that is in the sense in which Mr. Platt was a boss in New York, where he and his associates directed at one time what legislation should be had. Upon this point Theodore Roosevelt's opinion may be interesting. He said, in 1906:

> Lodge had violent enemies. But he is a boss or the head of a machine only in the sense that Henry Clay and Daniel Webster were bosses and heads of political machines; that is, it is a very great injustice to couple his name with the names of those commonly called bosses. . . .
>
> He and I differ radically on certain propositions, as for instance

on the pending rate bill; (of 1906) . . . but I say deliberately that during the twenty years he has been in Washington he has been on the whole the best and most useful servant of the public to be found in either house of Congress. . . . Lodge is a man of very strong convictions. . . . He has a certain aloofness and coldness of manner that irritates people who don't live in New England. But he is an eminently fit successor of Webster and Sumner in the Senatorship of Massachusetts. He is a bigger man than Sumner.

As he grew older he revealed his real attitude towards his fellow men. He once said that it was his ambition to be the "Grand old man of Massachusetts," to have the place in the affections of the people of the state once held by Mr. Hoar.

I was at Eton College in England a few years ago, it was my third visit, and as the other members of the party went on, I lingered in the Chapel, to become submerged in the atmosphere of the place, rich with the associations and the monuments of four hundred and fifty years. Chatham, Fox, Canning, Peel, Wellington, and hosts of other distinguished Englishmen had sat on those benches in their boyhood days. It was a place in which no one, certainly of English antecedents, could linger without emotion. As I sat there, I said to myself — "To whom can I write who will sympathize completely with the mood that now possesses me," and the answer came at once, Cabot Lodge. I acted upon the impulse and as quickly as the mails would permit, an answer came full of sympathetic appreciation of the spirit of my letter.

Like many men whose manner is a sort of protective armor, against rude intrusion, Mr. Lodge was very sensitive, of great delicacy of feeling and at times quite emotional. He loved the sea and said of it in his early memories:

> But over all was the mystery and the fascination of the sea, and those who have been born at its edge and have fallen under its spell are never happy when long parted from the ocean and the ships. . . .
>
> It was Nahant itself that I cared for. Many, many years afterward Senator Hoar said of me and to me in a speech at Clark University, that I had suffered from one serious misfortune — I had not been brought up in the country. I told him after the

speech-making was over that I had one great compensation in being brought up by the sea, and he admitted the truth of what I said as a fact which he had forgotten. The love of the sea which a child acquires who has been reared at its very edge deepens through life, and nothing can ever replace it. I played upon the beaches and climbed about among the rocks; I loved the sea smiling and beautiful in the midsummer heats, and I loved it even more in the great gales of the autumn, when the huge waves broke over the cliffs and ledges, filling me with interest and excitement as I watched them by the hour together.

Few have so revealed their innermost feelings as did Mr. Lodge in his speech at Symphony Hall in January, 1911, shortly before his reelection to the Senate, when he said, at the close:

My public service is all public. I have never had a private interest which in the remotest way conflicted with or affected my performance of my public duties. I have never been engaged in any private business. I have never been a director or officer of any corporation since I entered Congress and only once before that time. I have never had a connection direct or indirect with the promotion of any financial or industrial enterprise. I have no secrets. I have nothing to conceal.

No one is so acutely conscious as I of the mistakes I have made; no one realizes as I realize how often I have failed to reach full completion in the ideals I have sought to attain. But the record is there for the world to see. There is not a page upon which the people of Massachusetts are not welcome to look; there is not a line that I am afraid or ashamed to have my children and my grandchildren read when I am gone.

I have cherished with reverence the dignity and the traditions of the great office which I hold. I have never suffered them to be lowered. I will not drag them through the mire of personal controversy or soil them with the rancor of personal altercation for any reward that can be offered me.

I received from my predecessors the great traditions of the Senatorship of Massachusetts as a sacred trust, and they shall remain in my hands or pass from me to my successor unstained, untainted, unimpaired. I would at least have the people of Massachusetts able to say of me that

> I nothing common did or mean
> Upon that memorable scene.

I am a Senator of the United States. My first allegiance as an American is to the great Nation founded, built up, preserved by heroic sacrifices and untold treasure. My first loyalty is to that bright flag in which the stars glitter and to which we bare our heads in homage as it floats above our soldiers and our sailors and the sight of which dims our eyes and chokes our throats when we see it in a foreign land.

But I am also a Senator from Massachusetts, and that last word touches the chords of memory with tender hand and moves the heart of all to whom it speaks of home. I was born and bred in Massachusetts. I love every inch of the old State, from the rocks of Essex and the glittering sands of the Cape to the fair valley of the Connecticut and the wooded Berkshire hills.

Here my people have lived before me since the days of the Massachusetts Bay Company. They lie at rest in the graveyards of Essex, on Boston Common, beneath the shadow of Park Street Church. Here I have lived all my life. Here my dead are buried. Here I hope and pray my children and my children's children will always live and serve the State in peace and war as best they may.

To this love I add the deep gratitude I feel to the people of Massachusetts for the confidence they have so long reposed in me. No matter what the future may have in store, that gratitude which comes from my heart can never be either chilled or lessened. To be Senator from Massachusetts has been the pride of my life. I have put aside great offices, for to me no public place, except one to which I never aspired, has seemed equal to that which I held, and there was assuredly none which could so engage my affections.

I have valued the high positions given me in the Senate because they meant large opportunity and testified to the trust and confidence of my associates. But I prize them most because they give to Massachusetts the place which is due her in the councils of the Nation.

I have felt greatly honored when the Republican party of the Nation placed me at the head of the Committee on Resolutions and twice made me permanent chairman of a National Convention. But I cared for those honors most because I could lay them at the feet of Massachusetts as mute witnesses that now, as in the past, she was a leader among the States.

Every tradition of our great State is dear to me, every page of her history is to me a household word. To her service I have given the best years of my life and the best that was in me to give. I believe that I have not been an altogether unprofitable servant. I have given my all; no man can do more.

Others may well serve her with greater ability than I. I fervently hope that there will be many such others in the days to come, when her light will still shine before men as it now shines with steady radiance in the pages of history. Others may easily serve her better than I in those days yet to be, but of this I am sure; no one can ever serve her with a greater love or deeper loyalty.

While I am mainly concerned here with Mr. Lodge's public career, any notice of his life would be inadequate without some reference to his achievements as a writer of history and in literature. Literature was the profession he adopted at the beginning of his career and towards the end of his life, after an eulogy upon a fellow Senator, a colleague, much impressed by its beauty and finish, asked him how long it took him to write it. "About an hour," was the reply. When some surprise was expressed at the shortness of the time, Mr. Lodge added in substance: "My business is literature and if I excel in it at all, I ought to do that piece of work in an hour."

A mere catalogue of the titles of his books and addresses would fill more space than is at my command. It is enough to say that there have been few years between 1872 and 1924 in which Mr. Lodge has not published some book or articles, or made one or more notable public addresses, and all this outside his work in Congress and speeches there which, if printed, would fill many volumes.

The range of subjects was very wide, including such as "Ballads and Lyrics," an introduction to Edward Everett Hale's "Prospero's Island" and "The Value of the Classics" to mention a few purely literary titles — and "The Last of the Puritans," "Sea Power of the United States" and "The Constitution and its Makers," to select at random a like number of purely historical topics.

No student of American history could properly feel that he had exhausted his subject until he had carefully studied what Mr. Lodge has written upon the *English Colonies in America,* his comments upon the "Federalist Party" and the "Essex Junto," and the "Hartford Convention" in his *Life of George Cabot;* his lives of Washington, of Hamilton and of Webster; his articles and speeches upon the "Monroe

Doctrine," the "treaty making power of the Senate," and a great variety of kindred subjects, too numerous to mention.

His occasional memorial addresses were full of beauty and force, enriched by classical and historical allusions. Among them may be mentioned an address upon Abraham Lincoln in 1909 before a Joint Convention of the Massachusetts Legislature, and an address in 1910 upon the Unveiling of a Statue in Memory of John C. Calhoun, in the old hall of the House of Representatives in Washington; and his address at Plymouth in 1920 upon the Three Hundredth Anniversary of the landing of the Pilgrims.

I often wondered that Mr. Lodge clung with such tenacity to his seat in the Senate. It seemed to be his one and only ambition. One might naturally think that he would have enjoyed being Ambassador to the Court of St. James's. To be sure he had always been counted as hostile to England, but that was a purely political attitude, confined to dealings in which claims of England and the United States were in conflict. It is impossible to believe that his childhood prejudices to which he refers in his *Early Memories* could have exercised a controlling influence over his mature years. There is everything in the history and literature of England which must have attracted a man of Mr. Lodge's tastes and accomplishments. Mr. Henry Adams once said of him, he was "English to the last fibre of his thought — saturated with English literature, English tradition, English taste — at home and happy among the vices and extravagances of Shakespeare." Nor did he ever care to be Secretary of State. On an interview he had with President-elect Taft in December, 1908, he made the following note in his diary:

> December 9, 1908. After luncheon with him at the Olivers, took a walk with Taft. He talked very freely going over a wide range, especially the Cabinet and most particularly the State Department. He kept coming back to it and finally I said: "Of whom have you thought." He replied, "I have thought and am thinking about you, but the President has told me that it was useless." I have my reasons and he understood why, I did not wish to leave the Senate. He was very kind, very flattering. After reaching home, I wrote him a note expressing my deep gratitude and the pleasure he had given me.

It has been said that Mr. Lodge had an ambition to be President. He once utterly disclaimed it in a public address and had it been true, it would have been expressed to his friends and found its way into the political gossip of the day.

The only time his name was seriously proposed for the Presidency was in the Convention of 1916, to which Roosevelt, in response to a request of some individuals made the statement, in the form of a telegram, which was read to the Convention that Lodge would be satisfactory to him.

On Mr. Lodge's life in his own home, surrounded by intimate and congenial friends, Mrs. Douglas Robinson has recently, in a beautiful tribute to his memory, said:

For over forty years I have had the privilege of intimate friendship with him, and in this short tribute to his memory I wish to share with those who already understand him, and to interpret to those who perhaps have found it difficult to do so, the qualities of Henry Cabot Lodge as a friend.

It may be hard for some people to realize Mr. Lodge as one of the most sensitive of human beings, but it is a fact that such he was. This sensitiveness made him seem at times both aloof and almost self-conscious, in spite of having mingled always with the great world. This sensitiveness also rendered it difficult for him to show his powers of deep attachment unless they were called forth in response to what he recognized as the loyal devotion of others. His capacity to give and return affection, his love for his very own, his desire to share with them and to keep for them always the tradition of his home, his fervent response to all evidence of faithful friendship — all this, and much more, made him peculiarly beloved by those who were allowed the privilege to be part of his inner circle.

He loved his country, he loved his family, he loved his home and he loved his friends. To his country, America, he dedicated himself from youth upward with ardent enthusiasm. To serve America was his highest ambition, and his own personal ambitions were always of secondary interest.

The beautiful relationship between him and the exquisite being who was his wife is too sacred even for my pen; but I may speak of his constant thought of and deep interest in the interests of his children as they grew toward manhood and womanhood. That thought and sympathy drew their hearts closely to him with unwavering and comprehending devotion.

His home was indeed his fortress. He loved his place at Nahant

with passionate fervor — the craggy rocks and wild waves appealing deeply to the poetic quality with which he was strongly imbued. In his Washington house he delighted in the big living room with the rare content of one who is surrounded by valued books — always his dearest companions — but he also welcomed gladly to the broad and open fireplace those to whom he was drawn by the inspiration of their mentality, or by strong mutual affection.

Never again, it seems to me, will there be such gallant company as once filled that room!

The glowing logs sent out no more fiery sparks than did the quick repartee among the brilliant minds gathered in front of the hospitable hearth.

Statesmen, artists, litterateurs of our own and all other countries were invariably more than ever brilliant when allowed the privilege of that environment, and it is with a sense of barren loneliness that I think of the room empty and the fire no longer burning. Mr. Lodge was at his best at the end of a long day of hard public service when, after dinner, he would settle into his own chair, having himself piled long logs on the capacious andirons. Then was the companion indeed fortunate who could sit beside him and hear his rare mind give forth expression on all subjects. As each thought or remembered incident would overlap another he would rise from his chair and, laying an unerring hand on some special volume from which he could enlarge the idea or amplify the incident, would bring to the fortunate listener the sense of being borne away into a land where the delight of intellect reigned supreme. Many a time the clock would strike two before a play of Shakespeare's, an ode of Milton's, some exquisite essay, or an extract from history, would be returned to its setting in the bookcase and the embers of the fire be allowed to die down and the evening be recognized as over.

Such hours were frequently full also of his sympathetic and gentle interest in the joys and sorrows of the friend with whom he was communing — sympathetic and gentle with a self-forgetfulness which those who knew him less intimately had perhaps not accorded to his nature.

His devoted employees, to whom he always showed the consideration of a true and high-bred gentleman, and who are now inconsolable, surrounded him with an atmosphere which they extended to all who passed his portal.

His house was his home in the true sense of the word, and those in it were members of his " house." To him the " house " meant his children and grandchildren and what they brought to him and

to those he loved. With him, also, where he gave his friendship to one member of a family all members of that family were included. Each of his letters to me, when brought to a conclusion, never failed to end as follows: "With love to all your house."

Unwavering devotion to his family — his parents, his wife, his children — a dignified and patrician simplicity and a loyal devotion to those on whom he bestowed the fine flower of his friendship, these were the qualities most distinctive of the intimate side of that personality so tenderly prized and deeply mourned by the close friends of Henry Cabot Lodge.

Henry Cabot Lodge was a great person. He added distinction to every company of which he was a member. He lifted every subject that he discussed out of the realm of the commonplace. He was a man of great learning and of strong convictions, based upon an intimate knowledge of history. He had a more thorough acquaintance with foreign affairs than any other American, added to all this were prodigious industry and great tenacity of purpose.

He came to be a most finished public speaker and brought to every subject he discussed the evidence of most exhaustive research, which usually led him, irresistibly, to sound conclusions.

In his public service he gave his all, and more than this none can do. He made richer the traditions of the great office of a Massachusetts Senator which it was his pride to hold for so many years.

MAY MEETING.

THE Society met in the Dowse Library on Thursday, May 14, 1925, at 3 P.M., President MOORE in the chair.

The Recording Secretary announced that the Council, acting under the by-laws, had filled the vacancy in the office of President by the choice of First Vice-President GEORGE FOOT MOORE as President of the Society, to hold office until the next annual meeting.

The record of the Annual Meeting of the Society on April 9 was read and approved.

The Librarian reported gifts of manuscripts from the Misses Bailey, of Brookline, William B. de las Casas and Charles F. Jenkins.

The Cabinet-Keeper reported the gift of Darius Cobb's painting of the Paul Revere house, from Mrs. Frederick T. Bradbury; the great seal of Great Britain, James I, from Col. Charles E. Banks; a colored sketch of the Marine Hospital in Chelsea; and Henry Cheeves Pratt's portrait of Lafayette (c. 1825), and a copy of Copley's portrait of Joseph Warren, from members of the Society.

Finance Committee: FRANCIS R. HART, GRENVILLE H. NORCROSS, and CHARLES FRANCIS ADAMS.

Library Committee: ALBERT MATTHEWS, ARCHIBALD C. COOLIDGE, and WILLIAM CAMERON FORBES.

Committee to publish the Proceedings: CHESTER N. GREENOUGH, and HENRY W. CUNNINGHAM, *ex officio*.

House Committee: Dr. JOHN W. FARLOW, FREDERIC WINTHROP, and WILLIAM B. H. DOWSE.

It was voted: That the income of the Massachusetts Historical Trust Fund for the last financial year be retained in the Treasury, to be expended in such objects as may seem desirable to the Council of the Society.

The President announced the death of President ARTHUR LORD on April 10, and spoke of his long and honorable connection with the Society. He then called upon Mr. KELLEN who read as follows:

ARTHUR LORD.

Arthur Lord, sometime Treasurer, Vice-President and President of this Society, was an eminent lawyer and earnest student of Colonial history. "In many ways," to quote one competent to judge and not given to over-praise, "he was an ideal citizen." If he had devoted himself to the Law—a jealous mistress — singly and whole-heartedly, instead of dividing his time and interest between its practice and the pursuit of historical studies, he must have become a great lawyer. He had all the qualities of a great lawyer and a great judge. He would have made an ideal Chief Justice. He had in high degree what lawyers call the "legal mind," that perfect union of intuition and reason which guides its possessor directly to the heart of a legal problem and enables him to solve it instantly, accurately and without effort. Furthermore he had the judicial bent, the adequate learning, the patient industry, the perfect fairness, the prophetic imagination, the sense of humor, the shrewd knowledge of human nature, and a certain mental detachment quite unusual. In spite of divided interest, he built up a sound practice, compelled the confidence of a limited but loyal circle of clients, and rose to a secure position among the leaders of the Bar. The highest honor at the disposal of the Bar of the Commonwealth became his — the Presidency of the Massachusetts Bar Association.

Nature meant him for a scholar and historian with all the gifts requisite save two — leisure and assured income. The stern necessity of making a living for self, family and dependent relatives, forced him to choose the law as a profession. Being of a practical cast of mind, he compromised with Fate by devoting half his time to a livelihood. The other half he gave to the study of Pilgrim history and to the making of Plymouth into an adequate memorial of its Founders. Having acquired a competency and turned Plymouth into such a memorial, it is sad to recall that nearly his last words were that he had decided to give up the law and devote himself to history.

For many years he gave unstintedly of his time and

effort to the strengthening of this Society and the safeguarding and increasing its funds. He had the solace of learning the day before he died that his zeal and toil for the Society had met their reward in his election by the Members themselves to its presidency.

Offers of judgeships, State and Federal, repeatedly urged upon him, were as steadily waved aside; they would have absorbed his whole time and thought, and barred historical research and varied public service. Following out his program he did his share even in active politics. He represented the town of Plymouth in the General Court, serving two terms with distinction. He might have been drawn into that fascinating game permanently, to the disruption of his practice and the confusion of his studies, but he defied the labor leaders and they cut short his political career. Later to serve the public weal he became Chairman of the Massachusetts Civil Service Commission, at a time when the Merit System had but a scant foothold in city, state or nation. He helped not only to place the reform upon a secure basis in this Commonwealth, but made of the Commission and its work a pattern to be followed in other states. Later still he was to do an even greater and more lasting public service as a member of the Pilgrim Tercentenary Commission.

The story of the renovation of the village of Plymouth by Arthur Lord, which took for its accomplishment well-nigh fifty years, is an interesting one. I had it at intervals — for he was reticent about himself and his affairs — mainly from his own lips. He found Plymouth — the Plymouth of his boyhood — a plain New England village; he left it a splendid monument to the Pilgrim Fathers. Plymouth from its poverty-stricken beginnings was always relatively a poor town. A market town for farmers wringing a scanty existence from the thin soil of its country-side, a place of small manufactures, scattered tack factories, a cotton-duck mill, run by little water powers, a steam woolen mill, a cordage plant, the last to grow into its one great industry but with absentee owners. Its foreign commerce was limited to an occasional cargo of hemp, its domestic to coasters fetching coal and lumber. Its fishing fleet had disappeared. Few stately colonial houses, marks of accumulated fortunes,

adorned its streets, in striking contrast to Salem, Marblehead and Newburyport. Its ambitious young men went elsewhere to seek their fortunes. Arthur Lord was forced to extend his practice to Boston and New York. Fortunately for Plymouth he retained his home there and did not lose his interest in its concerns. In the simple but dignified house in North street, surrounded by his rare and beloved books, he received friend and client alike and dispensed to many a foreign visitor a charming hospitality. When he put out his shingle in Plymouth, and, speedily gaining the confidence of his fellow townsmen, became perennial Moderator at town meetings, the two spots that have made the town the Mecca of patriotic Americans and visiting foreigners alike, Plymouth Rock and Burial Hill, were prey to carelessness and neglect. Plymouth Rock, wrested from the harbor edge where the glacier dropped it and the Pilgrim feet first pressed it, with its grim canopy containing Pilgrim bones, was hidden from the sea by ruinous wharves, ill-smelling markets and tumble-down buildings. The situation was disgraceful, and was the last to be cured. Plymouth Rock ceased to be washed by the "flowing water" of Plymouth Harbor for many a long year. Approach to the village and Rock and access from the village to Rock and harbor were to be had only through disagreeable sights and surroundings.

Burial Hill, in which rested the bones of early and later villagers, with its tilting stones and grass-grown graves, while showing lack of care, did not differ greatly within its borders from the average New England graveyard. But the poorer sort of dwellings and outhouses closed upon it, and the town had even invaded this hallowed ground by erecting a fire-house and school-house at the top of Town Square, which jutted into the hill and encroached upon its limits. The fire-house was too small, the school-house dilapidated. This was the condition of the historic places in Plymouth midway between its bicentennial and its tercentenary.

A vote was passed at a town-meeting held about this time, against young Lord's protest, to tear down the old fire-engine house and the old school-house and to replace both with a new fire-engine house, cutting still further into the hill, interfering with a proper approach to it, and emphasizing

the encroachment. Squire Lord took the first train to Boston, laid the case before the Attorney General, and secured his assent to an Information in his name to prevent the town from carrying out its vote. An injunction thereupon issued to stay the hand of the despoiler. Pending the hearing on the merits, young Lord shrewdly persuaded the firemen and their friends that a fire-house on Main street would be far preferable as keeping the firemen in touch with the gossip of the village and thus helping them to while away the weary hours between the infrequent village and forest fires. Another town-meeting was called, the obnoxious vote rescinded, the old building condemned and razed to the ground, a new fire-house built on Main street where it now stands, and Burial Hill with a dignified approach opened up from Town Square. Thus was taken the first step to make the town sightly, a step that was to lead to unforeseen results.

One John Stickney, a rich Baltimore merchant, on a visit North came to Plymouth. He noted the improvement in the Pilgrim Hillside and on his return to Baltimore added a clause to his will covering a gift of $100,000 to the town of Plymouth, the income to be used for beautifying its historic places. When Mr. Stickney died his heirs contested the will. Squire Lord went to Baltimore, argued the case before the Supreme Court of Maryland, the will was upheld and the gift declared valid, and the Stickney Fund was created. From that time on the work of making this Pilgrim village a fit and sightly monument to the Pilgrim Fathers went haltingly but steadily on. Burial Hill, gradually relieved of its unsightly surroundings, and given a care to which it had been a stranger, has become a bit of quiet and reverential landscape, appropriate resting-place for generations of Pilgrim descendants.

When later the frame meeting-house of the First Church of Plymouth, in which Parson Kendall, the maternal grandfather of Arthur Lord, had for nearly sixty years stoutly maintained the Unitarian doctrine, was burned, the grandson was not content until the present dignified and enduring structure of seamed granite had taken its place at the top of Town Square and under the shadow of Burial Hill — a reminder of Scrooby Church and a further memento of the

Pilgrims. It is interesting to note that when Laymen's Sunday was observed by that denomination in October, 1924, this same grandson occupied the pulpit of the new Church and read a sermon preached by the Master of the Temple "at a service with special music" held in Temple Church for the American lawyers visiting London in the summer of 1924. A copy of this sermon, in which the Reverend Master referred in terms of deep appreciation to the Pilgrim Fathers, was sent by him at the hands of Arthur Lord to the Pilgrim Society. Mr. Lord was probably the first layman who ever preached from the First Church pulpit since in 1621 Robert Cushman pronounced the first Thanksgiving Sermon.

Since its organization the Pilgrim Society, latterly under the presidency of Mr. Lord, had kept alive and fostered the Pilgrim atmosphere and tradition, but its priceless, irreplaceable collections were insecurely housed in a stone building with a wooden front in the heart of the village and surrounded by wooden dwellings.

The Plymouth Tercentenary of 1920 drew near and the First Citizen of Plymouth laid his plans for its seemly celebration. That anniversary should have fitting observance, he determined, not only in noble oration and splendid pageantry with all the accompanying ceremonial, but over and beyond all that, it should find expression in artistic and enduring monuments that should once and for all make of this seaside village a satisfying memorial to its self-sacrificing Founders. For many a Forefathers' Day he had spoken throughout the land eloquent and inspiring words designed to keep alive the Pilgrim spirit and stimulate interest in the landing-place and settlement of the *Mayflower's* company. Now, he redoubled his efforts. From Congress, the General Assembly, the town of Plymouth itself, he secured the moneys needed. Besides gaining the generous coöperation of the New England Societies of New York and Brooklyn, he gained the ear and sympathy of the Mayflower Descendants, the Colonial Dames, the Improved Order of Redmen, what not; he had for each an appropriate gift. He had a peculiar talent for engaging the interest of organization or individual until growing interest was crystallized into participating gift — it might be a park, a statue, a chime of bells, or a granite

front for Pilgrim Hall. Whatever it was the gift was artistic, ennobling, enduring. His practical mind saw to it that the highways leading to and from Plymouth were widened and repaved for the comfort of the coming hordes of visitors. He forestalled the jealousy — but not wholly — incident to prominence on such occasions and chiefly local, by effacing himself in the public eye. The cause was everything, himself nothing.

And so it came about that State and Nation joined in furnishing the money for dredging the harbor, for taking the foreshore, for ridding it of unsightly and unseemly obstructions, for creating a seaside park, and for placing Plymouth Rock at the water's edge, where aforetime it stood, and guarding it with a chaste and monumental covering. The New England Society of New York with a gift of a noble granite front made Pilgrim Hall at once secure and presentable; the New England Society of Brooklyn placed a chime of bells in the tower of the New First Church. The list of tercentenary gifts, great and small might easily be lengthened — each due to the initiative of this unusual townsman.

Fortunately he lived long enough to see the steel outline of a town-house in process of erection, in which to hold town-meetings and other assemblages of the town's people, something he had in vain urged the town to build for the Tercentenary. This was his only failure in seeking a proper setting for that great event. Despite that, it was indeed a striking and pleasing change in the outward aspect of this historic town that this ideal citizen wrought in fifty years of patient, persistent and patriotic effort.

Another dream of Arthur Lord, only partially fulfilled in his lifetime, was to place in Pilgrim Hall, a counterfeit presentment of the good ship *Mayflower* that the eager visitor of today might realize the cramped quarters in which its long suffering ship's company made the memorable voyage. He sought in England the person best equipped to make a model of such a vessel, and found him in the person of Mr. Anderson of Basset Holt, Southampton, Vice-President of the Society of Nautical Research. An amateur collector of models and foremost authority on marine architecture, Mr.

Anderson placed all his technical skill at the disposal of the Pilgrim Society, with the facilities of his staff and laboratory, and designed and built the graceful and complete ship which he has set up with his own hands in Plymouth. Mr. Lord had the satisfaction, however, of seeing the model with hull complete and nearly rigged during the summer of 1924, when a guest of Mr. Anderson at Basset Holt.

Arthur Lord had a pleasing, though somewhat restrained, method of public address, which a noble voice and fine presence augmented. His written addresses, both legal and historical, were characterized by sound learning, adequate research and an engaging and lucid style. His Colver Lectures, delivered at Brown University in 1920, contain the best short review of the Pilgrim Movement and its world-wide influence upon mankind. They form a condensed account of the Pilgrim Struggle here and overseas. Two ancient institutions of learning in New England, without the Commonwealth, conferred upon him, the one the degree of Doctor of Laws in recognition of his legal attainments and his public services, the other that of Doctor of Letters for his scholarly researches and historical writings. He was a discriminating and indefatigable collector of books and memorabilia relating to the Pilgrims and Plymouth. It is a pleasure to record that his collection, in accordance with his expressed wish, will be kept together upon the shelves of Pilgrim Hall. He was a rare companion; his wit was keen but never caustic, his humor droll and unforced, his store of story and anecdote relating to the Old Colony unfailing.

He was, as I have said, a successful practitioner of the Law, and ornament to his profession. He fully paid, as Lord Coke laid down as the duty of every lawyer, "the debt to his profession." As treasurer of this Society, by his economies and handling of its investments he added a handsome surplus to its productive funds. Whatever he put his hand to he did thoroughly and well. But the real task of his life — that by which historic Plymouth should ever remember him — was in emphasizing by pen, tongue and lasting memorial the Pilgrim tradition and accomplishment. From the time he came to man's estate and adopted Plymouth as his home, he devoted the best efforts of mind and heart to

keeping green the memory of the Pilgrim Fathers and in recalling the debt due them from humanity.

In closing the Colver Lectures at Brown University he used these words: "If for a moment we could lift the veil of the centuries and from out of the shadowy past summon the form of one of the great leaders of that immortal Company to stand forth and be their spokesman today, and bid the dumb lips speak again as in the olden time, this would be the Pilgrim's message which would fall on your attentive and listening ears:

> The toils we bore
> Your ease have wrought
> We sowed in tears
> In joy you reap
> The birthright we so dearly bought
> Here guard, till you with us shall sleep!"

This message reflected his own lifework and the ideals by which he was guided. He embodied in his own person and lived in his own spirit the injunction thus eloquently laid upon his hearers. He had spent his life in gathering the literature regarding the Pilgrims and their pilgrimages; in studying and enforcing the lessons to be drawn from their essay at self-government, in framing enduring mementoes of their great experiment. He himself had heeded the Pilgrim message, had stood guard over the "birthright" they "so dearly bought"; he was the constant and faithful guardian of the Pilgrim tradition and legacy.

Mr. Winslow Warren also spoke of his long and intimate friendship with Mr. Lord.

Professor Bassett read a paper on "The Southern Overseer as revealed in his Letters," being a chapter of a volume about to be published.

Dr. Paul R. Frothingham presented a medal of the Bell and Everett campaign, that had been sent to him by a lady who had seen his recently published *Life of Edward Everett*.

Mr. Farwell gave a copy of a poem written for the celebration on June 17, 1882, at Spot Pond in Stoneham, of the excursion made thither in 1631 by Governor Winthrop.

Mr. NORCROSS presented papers from his father's files, among them the petition circulated for signature in January, 1861, in favor of a settlement by compromise of national political difficulties then prevailing.

THE BRITISH MUSEUM

In March, 1925, the Society sent to the British Museum a file of the photostat reproduction of the *New England Courant,* after No. 111, and wrote: "The Society in making this gift to the Museum takes occasion to recognize the liberality of its management and to make a small return for the great assistance it has received from the Museum in its own field." The following acknowledgment was received:

BRITISH MUSEUM, LONDON, W. C. 1.
April 7th, 1925.

SIR, — I am desired by the Trustees of the British Museum to ask you to convey to the Council of the Massachusetts Historical Society an expression of their cordial thanks for the gift of photostatic reproductions of the *New England Courant,* Nos. 111–255 (Sept. 16, 1723–June 25, 1726). The gift is welcome, as completing the file of this newspaper in the Museum, and doubly welcome on account of the kind and friendly words by which it is accompanied.

It is always a pleasure to the Trustees to welcome American students in the Museum which contains so much of the early history of their race and country, and they greatly value the friendly relations which have been established here between American scholars and their English colleagues. Believe me yours very sincerely,

FREDERIC G. KENYON
Director and Principal Librarian.

LETTER OF WILLIAM PYNCHON, 1638.

Dr. NICHOLS said:

Among the family records, account books and letters of the late Stephen Salisbury presented to the American Antiquarian Society were several letters not relating to the family,

one of which seemed to me of sufficient interest to read to this Society.

The letter is written by William Pynchon to Roger Ludlow, both of whom, it will be remembered, came to Massachusetts-Bay in the year 1630. William Pynchon, settling in Roxbury, was instrumental in building up the church and government of that town, being a magistrate there during his stay and, for the same period, treasurer of the Colony. In 1636 he went with others to found Agawam on the Connecticut River, the name of which town, in 1639, was changed to Springfield. Here he was magistrate or assistant until 1650 and exercised great influence in directing the growth of that town. Here and in Roxbury he was active in the beaver trade with the Indians.

Roger Ludlow, brother-in-law of John Endicott, went to Dorchester, where he was active in its government for four years. In 1635, he was instrumental in founding Windsor, Connecticut, where he was the magistrate or Deputy Governor for nineteen years. Then he moved to Virginia, but he must have returned at some later period, for we find that, in 1672, the Cambridge Press issued the *Book of the General Laws of Connecticut* compiled by Roger Ludlow. There are three known copies of this book, one of which is on the shelves of this Society.

The letter, a portion of which has been torn from one side leaving a few imperfect line ends, finishes abruptly without signature.

AGAAM this 19 January 1637 [38]

Mr. Ludlo my harts love remembered I recd a letter by an indian wherin you desyer my company at a general court about taking up of ye countries accountes But the letter came not to my handes til the day appointed was past: but if it had not ben past I could not have come: I thinke there is not any in our plantation durst have ventured such a journey for any hier the snow with us is generally midle d[epth It] seemes it is not so bad with you that you can go [from] Towne to Towne it may be you got on the River [ ] our trailes will make us forsake the River [as there is] no going on the land we cannot goe out to [ ] to prepare our paling in the springe: now at present we have a little thaw but expect no freedom [ ]

Now I did expect that you would not have charged me for the warr: for I take it you did promise me at the [ ] at Mr [ ] to counsill with me [ ] our plantation or hould it out. I minding of our security this answer as I remember was made that if we would look to ourselves you would expect no more at our handes: so I for my part bent my sole strength to fortifie and keep good watch and would not leave my house for planting but only to strengthen us and have not been chargable to any of you: Besides I have been rated to this warr in the Bay for my hole estate.

But what is just and equale I hope I shall doe as willingly as to eate my meate: if you taxe us inequaly for waiting [ ] I hope it [you] will have our just exertions. if you give us lawfull warning and we be absent then we will beare the punish[ment] of negligence: I only look to the rate of equality all things considered: [*a sentence struck out*]

You also write of an intention to farme out the Indian Trade and to inhibite all but those that shall be allowed: for my part I know not what is said pro or con but I cannot see how it can well stand with the public good and the liberty of free men to make a monopole of trade. I have often heerd this very thing in agitation in the Bay and yet it could not be brought to passe: I hope the Lord in his mercy will keep me from coveting any unlawful gaine: or [consent to] any man's hindrance where God doth not hinder them.

Also you write me of a promise I should as in the other, [*the draft ends abruptly.*]

A Lesson from the Civil War

Captain Frothingham said:

Hon. Perry Belmont wrote to me on the Civil War articles published in Vols. LVI and LVII of the *Proceedings*. He pointed out that it was fortunate the theatre of battle was far enough away from Washington to prevent interference with the military command, which was so great a drawback to the Union armies in the Civil War. I wrote to him in reply that the escape of General Pershing from interference was not due to distance, because there had been a very grave danger of interference which would have ruined General Pershing's campaign in France. This danger was only averted because

the Secretary of War, Newton D. Baker, had derived, from some source, a backbone which made him take a firm stand against anything of the kind. Without this unwavering support of the Secretary of War, it would have been impossible to provide the American reinforcement, the only thing that could save the World War from being lost.

Colonel Belmont had this part of my letter copied and sent to Mr. Baker, who thereupon wrote the following letter to me:

I think you may be interested in a personal reminiscence. My father was a Confederate soldier, a mere boy even at the close of the war. Being a man of very robust common sense, he quickly readjusted himself to the results of the war, and became of all men the most thoroughly reconstructed, repeatedly saying to me when I was a child that it was a great blessing that the war had turned out as it did. While he was a busy country doctor, he nevertheless read practically every book of importance which came out about the Civil War, and as I grew up, he read them aloud to me or listened as I read them. Many times during our reading and discussion he remarked to me that the superior good fortune of the Confederate Army was undoubtedly due in substantial part to the free hand given General Lee after a single effort on the part of Jefferson Davis to interfere with strictly military operations, and that the military meddling of Stanton and Halleck had been a serious handicap to the Union Commanders. When General Pershing went overseas, I told him that story and told him that I would endeavor to do everything I could on this side to make his task easier, but that I would not myself interfere with his administration of military questions or permit them to be interfered with by my military associates on this side. General Pershing has often said that this relation between us was most helpful to him, and I have many times been interested to reflect that the lesson which my father taught me when I was a mere child did prove helpful in great matters which neither he nor I, of course could have foreseen.

With my abiding faith in the influence of the inspiration of the Civil War upon Americans, it is a wonderful thing to see put on record this lesson of the Civil War, passed by a veteran of that war to his son, and destined to bear fruit in the strength of purpose so urgently needed for the one thing

that would save the situation at the desperate crisis of the World War.

The Society's Exhibition

The House Committee reported that on April 6 was opened an exhibition of Winthrop portraits and relics and material relating to the battles of Lexington, Concord and Bunker Hill. The Winthrop portraits were the deposit of Miss Clara B. Winthrop and with them were shown many letters and authentic relics of the early settlers on Massachusetts-Bay. In the later and revolutionary period the Committee was fortunate in assembling the Copley portrait of Paul Revere, loaned by Mr. William B. Revere, of Canton; the contemporary portrait by Johnston of William Dawes, Jr., loaned by Vice-President Dawes; the Copley portraits of General and Mrs. Joseph Warren, owned by Col. Warren Putnam Newcomb, and loaned by the Art Museum; and the Copley portrait of John Hancock, loaned by Mr. John H. Tilton, of Haverhill. In addition there were two cases, loaned by the Art Museum, containing a collection of silver made by Paul Revere, the property of Mrs. Nathaniel Thayer, the Winthrop Cup, given by Governor Winthrop to the First Church in 1630, and many other silver pieces loaned by friends of the Society in response to requests from Mr. Endicott.

In the show cases along the eastern wall were maps, plans, contemporary documents, relating to Lexington, Concord and Bunker Hill, some of them from the Society's collections and others from members, Dr. Warren, Mr. Murdock, Mr. Farwell, to mention only a few of the contributors, so that this part of the exhibition was practically complete. On the walls were portraits of Daniel Webster and Mrs. Webster, lent by Mrs. Charles H. Joy, and of Captain and Mrs. Linzee, from Mr. William Amory Gardner, of Groton; also the fighting sword of Captain Linzee, loaned by Mr. Linzee Weld, of Readville. Objects of interest of recent date were the map of the Philippine Islands in gold, silver and precious stones, a dagger presented by Aguinaldo, and two Pershing maps, loaned by Mr. W. Cameron Forbes.

John M. Forbes to Horatio Woodman

Boston, 2d March, [18]63.

My dear Sir, — I regretted to miss seeing you as I wanted to discuss with you the subject of an Official or rather Professional Weekly for the Army and Navy.

Pray read the enclosed extract from a letter to Jno. A. Stevens, Jr.,[1] on the subject. He is connected with the new association in N. York for *diffusing* sound Political knowledge (*not the 'Delmonico.'*) If you have a chance I wish you would bring this subject before Mr. Stanton and see whether we can count on his Co-operation in giving us access to early and accurate *official war records,* and secondly whether he can give us any *material* aid in the way of advertising?

We had it up on Saturday at Club and if we have any thing to do with it mean to have it the right thing and the broad thing. Not a crumb for some decrepit Bookseller or Literateur, but the organ of the best literary and patriotic men whom we can bring into line to support it.

Fitz John Porter and General Stevenson[2] are the legitimate products of the *N. York Herald* and other vicious sheets which now feed the army.

I give you the Constitution and List of some members of our new club, which promises to be a success. We have bought the Abbott Lawrence house on Park Street.[3]

Everett's name as President shews *how broad* our Church is, others in the Government of it, how sound it is politically as well as socially. I hope to see your name enrolled there and am very truly yours,

J. M. Forbes.

The time has been extended a few days for enrolling members.

[Extract from a letter to Jno. A. Stevens.]

Upon one very important point, we have already been in consultation and I am glad to see it has also attracted your attention and upon this immediate and united action ought to be taken. I mean with regard to feeding the army upon more wholesome diet than it has had in the *New York Herald* and other poisonous affairs. We have thought

[1] John Austin Stevens, Jr. (1827–1910.)
[2] Thomas Greely Stevenson (1836–1864.)
[3] Now the Union Club of Boston.

of the plan which you suggest of using a part of some popular Paper, but for various reasons have come to the conclusion (almost) that we need something new — something which has not on its *face or record* any political reputation — such as the *Evening Post* for instance would have, and which we could more thoroughly *control* than [that] weekly, under all circumstances of success or despondency in our national affairs.

In short we have settled down upon the conviction that something *Professional* is needed in the shape of an *Army and Navy Gazette.*

There is a concern under this name which lead[s] apparently a weakly existence and looks as if it belonged to Dr. Humphrey and the army and navy Tailors and other advertisers. Possibly an examination might shew that it has no bad antecedents and that it might do to buy it up — but probably it would be better to *begin* an Army and Navy *Register* or "American United Service Journal," the name being the least important point and the Staff of Editors and *Managers* the main point. It should have relations with the Departments at Washington as would give it the best and earliest information and perhaps some advertising patronage provided this could be had consistently with its entire independence of official control. Its success would depend first upon making itself necessary to every Officer and useful to every Soldier by becoming a perfect record of all the authentic history of the week — Promotions, General Orders, etc., etc., etc. It would need the best general Editor available, a skilfull business manager for its financial and other business, then the whole or part of the time of one well-known army officer, and one navy officer, and behind them the strongest possible list of contributors.

To do this *well* requires considerable money and a great [deal] of experience in starting our plan.

I am now in consultation with Edward Everett Hale, Professor Lowell, Dr. O. W. Holmes, Mr. Sam G. Ward, Mr. Martin Brimmer and Chas. E. Norton. We are fully aware that it is *a big thing,* but the Army has become a *big thing* and *will be so* for years to come. I wish we could have the views of practical men upon the subject. Say *whether a combination of the active Republicans of N. York, Philadelphia and Boston cannot promptly find the men and money needed to give a first class* Professional Weekly *to the Army and Navy?*

GEORGE BATY BLAKE TO JOHN ALBION ANDREW

Private and confidential.

BOSTON, January 13, 1865.

When it comes to the necessary legislation for the Union of all the States it will be important to use properly the influence of the Great State of Massachusetts.

I am unacquainted personally with Mr. Wilson our present Senator but as a citizen of this Commonwealth I feel indebted to

him for his devotion to our cause in the past. At the same time I do *not* think him the *best man* to represent us for the next term and I venture to present for our consideration for this dignified and responsible Office the following names, viz: Hon. C. F. Adams, J. A. Andrew, A. H. Bullock, as eminently suited to represent our State at this most critical juncture in our national affairs.

Mr. Wilson is much respected by our own people at large, but when you go beyond our own State his opinions would *not* receive (in my opinion) the weight and consideration to which they are entitled. I remain respectfully Your most obedient servant,

GEORGE BATY BLAKE.

JOHN ALBION ANDREW TO GEORGE BATY BLAKE.

BOSTON, January 16, 1865.

MY DEAR SIR: — I have the honor to acknowledge the receipt of your note of the 13th inst. and in reply to say: that I am entirely satisfied, in respect to Senator Wilson, that all political considerations unite in clearly pointing to him, and that he should be re-elected at this time.

I am equally satisfied that Mr. Adams is needed where he is, and that he could not, consistently with the public good, be relieved from his present position, unless indeed, he should exchange places with Mr. Seward.

At all events, I could not be a candidate against General Wilson; nor, even if I could, should I feel able, with my limited means, to hold the Office of Senator, should the Legislature do me the honor to desire to elect me. I am Very respectfully Your Obedient Servant,

JOHN A. ANDREW.

[Endorsed:] Will Mr. Woodman please read these copies? I received Mr. Blake's note Sunday. It is the first time anyone has given me proper occasion to write a word myself, and I gave Major Ware direction to draw up this note at once. Of course the letter is *private;* but I send it to you for your information, and you are at liberty to shew what *I* wrote to anyone — not to to be used for the press. I don't know that I ought to shew Mr. Blake's note considering its " private and confidential " character, even to you. I do it, however, in strict secrecy and honor, as between us. If therefore you shew a copy of the copy of *my* own note to any one, *you will omit Mr. B's* name from it. You will

see I am short, to the point, explicit, and that I cover each part of the ground; also that I do not — as I cannot properly — allude to the action of the Senate in delaying the election, that *I*, at least must assume to be correct, to have been dictated by public considerations in the exercise of a discretion wholly theirs, not shared by the Executive, and not subject to any remark or criticism from the Governor, any more than that my own appointing or omission to appoint a judge, (or what-not) at a given time, instead of some other time would be subject to remark by the Senate. I keep my own side of all these lines always, and religiously, claiming my own right to use my own lawful powers, and never invading those of other Departments even by the slightest discourtesy.

J. A. ANDREW.

Charles B. Gleenough

MEMOIR

OF

CHARLES PELHAM GREENOUGH

By WINSLOW WARREN

Charles Pelham Greenough, second son of William W. and Catherine Scollay (Curtis) Greenough, was born in Cambridge, July 29, 1844. His father and mother were both descended from well-known Massachusetts stock and were widely connected with families eminent in New England history. William W. Greenough — Charles' father — was born in Boston June 25, 1818, and graduated at Harvard College in the Class of 1837. He was the son of William Greenough, a prominent merchant in Boston, a direct descendant of William Greenough, who emigrated to Boston previous to 1660, and through his mother, Sarah Gardner, was connected with Dorothy Quincy, the wife of John Hancock. He was an accomplished man, of marked literary tastes and much interested in antiquarian studies. After his graduation from College he became for a while a partner in business with his father and a great deal of his time was spent in travel abroad or on business journeys at the West. In 1852 he became Treasurer and Manager of the Boston Gas Light Company and remained in charge of that important business enterprise until its sale in 1889. Active in all that concerned the welfare of Boston, he was a founder of the American Oriental Society, for ten years Trustee of the Massachusetts General Hospital, Trustee for the Museum of Fine Arts and of the Provident Institution for Savings, and succeeded George Ticknor as President of the Board of Trustees of the Boston Public Library, giving to that Institution invaluable service for many years and materially aiding in developing it to the

present high standard. He was a member of the Phi Beta Kappa Society of Harvard, a member of the Massachusetts Historical Society and of several well-known social clubs in Boston. Most of his life was spent in Boston, although in 1864 he purchased the fine Greenleaf estate in Quincy where he built a large house in place of the original Greenleaf house and resided there the greater part of each year until 1888, when he moved back to Boston, where he died June 17, 1899.

He married Catherine Scollay Curtis, the younger daughter of Charles P. Curtis, the distinguished Boston lawyer who was connected with the Scollay and Pelham families.

It would have been strange, with an ancestry like this, if Charles had not manifested some of the distinguishing traits of the New England stock.

He was educated at the Boston Latin School under the charge of Francis Gardner, the well-known and rather unique teacher who, with many peculiar qualities, has been recognized as a thorough and painstaking guide of youth and whose faithfulness and influence have been manifest in the lives of a long list of eminent Bostonians benefiting by his teachings.

In 1860 Charles entered Harvard College and graduated in 1864 with such classmates as George H. Palmer, Robert T. Lincoln, Dr. William L. Richardson, Prentiss Cummings, Dr. Reginald Heber Fitz and Peter B. Olney. He maintained a high rank in his Class and was especially devoted to classical and historical studies. Immediately upon graduating, in August, 1864, he became Captain's clerk on the U.S. Steamer *Vanderbilt* and took part in the Civil War in the blockade of Wilmington and other Southern ports, but his health failed and he was obliged in December to resign and return home. In November, 1866, still in rather delicate health, he sailed on the Barque *Fanny Lewis* upon an extended trip abroad, visiting Malta, the Nile, the Red Sea, Constantinople, Jerusalem, Athens and the European Continental countries and returning to Boston in July, 1867.

He then entered the Harvard Law School, received the degree of LL.B. in 1869, and was admitted to the Suffolk Bar. January 1, 1870, he entered into a law partnership with

Robert M. Morse — afterwards Morse, Stone and Greenough — with which he continued until February 1, 1879. Beginning the practice of law under such exceptionally favorable circumstances, in the office of so distinguished a member of the Bar as Robert M. Morse, he was spared the long wait usually the experience of a young lawyer and soon by his industry and ability built up a very considerable law business, attaining a high rank among his contemporaries of the Suffolk Bar. He had mastered the principles of the law and by his pleasing and convincing address and untiring industry gained a large clientage. After leaving the firm of Morse, Stone and Greenough, he spent some time in foreign travel and then opened a law office at 39 Court Street, Boston, where he remained for many years. In 1882 he edited the ninth edition of Story *On Agency,* became counsel for the Boston Gas Light Company, published a *Digest* of Reported Decisions in the United States and Great Britain and her Colonies on the liabilities of Gas Companies, and a number of pamphlets upon Water Gas which attracted a good deal of attention by their ability and force. He was for several years Treasurer and afterwards President of the Boston Bar Association and took an active and prominent part in founding the Boston Legal Aid Society. In 1895 he resigned his position as counsel for the Boston Gas Light Company and devoted himself to general law practice and the care of important trusts that had been confided to him. While counsel for the Gas Light Company he had been brought into contact with many active and successful business men in various parts of the country and had had occasion to deal with many complicated and important business transactions, and he was also President and Director of several business corporations.

The experience thus gained enlarged and broadened his naturally fine mind, gave him a broader view of life and greater self-reliance and was of undoubted value to him in his profession of the law. To this was added the advantage which came from his extensive family connections and the opportunity afforded from boyhood of intercourse with cultivated men and women. He was a constant student of New England history, much interested in antiquarian research,

and he possessed the unusual faculty of extracting from his extensive reading what was of real and lasting value. He did not pretend to that high scholarship which can come only from exclusive devotion, but he was a thoroughly well-read man with a retentive memory, a keen observation, and a power of applying to the affairs of daily life the lessons of his reading and experience.

Apart from his profession, he was a member of the Massachusetts Historical Society, the New England Genealogical Society, the American Antiquarian Society, the Bunker Hill Monument Association, a Trustee of the Boston Athenæum where he spent many of his leisure hours, of the Social Law Library, and for some years of the Massachusetts General Hospital and the McLean Asylum. To these last two he gave much time and rendered invaluable service, especially in his later years.

Early in life he became interested in the collection and preservation of rare autographs and documents and this became to him an engrossing subject. He had taken up the matter at rare intervals, when it was far less difficult to obtain such papers than now, and before the advent of rich collectors into the field had made prices almost prohibitory, and before his death his collection had become very large and equalled by few in New England. In this he was aided by many friends who placed large quantities of letters and documents at his disposal and he was in active correspondence with collectors and dealers at home and abroad. He even carried his researches into masses of paper collected for the use of paper mills and thus rescued from destruction many papers of value; he differed from many collectors in that he never made the pursuit a mere hobby, but treated it as an adjunct to his historical and professional studies.

In public affairs Greenough took a warm interest and held determined and positive convictions, but his constitutional aversion to active participation rendered his views somewhat academic. He was a member of the Republican party and conservative by nature, yet at times asserted his independence of party dictation. He did not readily accept the various reforms of the day and viewed with some doubts new methods of political thought or action. He had inherited

some of the characteristic Boston prejudices making him occasionally somewhat impatient of opposition, but never to the extent of impairing friendship with those who differed from him.

A little personal reminiscence often throws light — and not an unpleasing one — upon a man's characteristic traits and though I had felt a long intimacy of over forty years had made me pretty thoroughly familiar with Greenough's habits and mode of thought, I found a trip abroad with him a few years before his death, during which time we visited the west of England and parts of Ireland and Wales, gave me new insight into a side of his character I had never before seen. His historical information and knowledge of past history added to the interest with which we viewed various noted places, but it surprised me to see that he rather shunned meeting new people or making new acquaintances. Often at hotels if I tarried after meals to talk with people we met, getting new views of life, he would slip away to our rooms and later I would find him immersed in some book he had picked up; and even at railroad stations, if we were delayed by waiting for trains, the news-stand was his resort, whence he would emerge, not with a newspaper as would have been the case with most of us, but with some book with which he could while away the time regardless of the people about him or of anything of passing interest. This was not from any shyness or want of sociability, for he was eminently a social man and possessed an ease of manner and self possession which made him attractive in general society. Moreover, the change to his usual social manner was immediate when we reached London and visited familiar haunts and fell in with old friends. It was almost amusing to see how quickly his marked conversational powers, his quiet humor and his enjoyment of friends' society resumed full sway. It is possible that some sense of physical fatigue may have had an effect, for I had noticed that he sometimes referred to what he was pleased to term my restless activity and evinced less interest in exploring new localities than I should have expected; yet that alone hardly accounted for the evident shrinking from new acquaintances.

Although his success at the Bar was a marked one it is

possible that his diverse interests interfered somewhat with full success in his profession, for that jealous mistress — the law — brooks no competitor; but if anything was lost to the law more was gained in general culture and usefulness in many important directions. Greenough touched life at many points and extracted from it much that was valuable and enjoyable. He laid deep the foundations of a high character and attained an enviable position not only in his profession but in the hearts of his fellow citizens.

He was an earnest member of the Episcopal Church, while in Quincy auditor of the Church in that city, a member of the Standing Committee of the Episcopal Diocese of Massachusetts, a delegate to several Annual Conventions of the Episcopal Church, legal counsel in many matters affecting the Church, and, while residing in Brookline, an active member of the Church of Our Savior.

This is not the place for extended reference to his home life. It was a happy one and happily prolonged to a good old age. June 11, 1874, he was married to Mary Dwight Vose, daughter of Henry and Martha Barrett Ripley Vose. Seven children were born to them, of whom two sons and two daughters now survive. His early married life was passed in Boston, but later he moved to Brookline and there ended his life November 21, 1924, being spared to enjoy the tender devotion of a loving wife for fifty years of happy married life and then to pass serenely away in his own home and in the bosom of his family.

His connection with the Massachusetts Historical Society began by his election to membership in April, 1908, and no one prized the membership more than he did. He took the greatest pride in his connection with the Society, was constant in his attendance at the meetings, served upon the Council and on various committees, and made many valuable contributions to the *Proceedings*.

By his decease, this Society has met with a distinct loss, for he was an excellent representative of Boston culture, a deep student of New England history, and always interested in historical investigation, and from his versatility and general knowledge and experience was a most useful and respected member of the Society.

JUNE MEETING.

THE Society met in the Dowse Library on Thursday, June 11, at three o'clock in the afternoon, President MOORE in the chair.

The record of the May meeting was read and approved.

The Librarian reported gifts of manuscripts from Charles Warren and Miss Emily D. Chapman, and the deposit of a Journal, 1814–1815, of a visit to Europe, kept by Mary Turner (Sargent) Torrey.

The Cabinet-Keeper reported gifts from Mrs. Frederick T. Bradbury, Rev. Charles A. Place and George B. Brayton.

The President announced that the Council acting under the By-Laws had filled the office of First Vice President by the choice of William C. Endicott, to hold office till the next annual meeting.

The PRESIDENT announced the death at New Haven, May 26, of George Burton Adams, a Corresponding Member.

Henry Lefavour, of Boston, was elected a Resident Member of the Society.

Mr. DANA read a paper on

SIR WILLIAM VERNON HARCOURT AND THE AUSTRALIAN BALLOT LAW.[1]

In the eighties, I believe it was 1886, Sir William Vernon Harcourt wrote me a letter in which, incidentally, he asked why it was that with so many high-minded men of ability as he knew to be in the United States, so few of them went into political life.

The mass of our fellow citizens seemed blind to our defects and when some voice was raised in protest, the answer always had been, Have we not the best constitution in the world? What more do we want?

[1] This forms a chapter in an "Autobiography" which Mr. Dana is now writing.

So whether it was bribery at elections or the spoils of public offices to the victors, the answer would be, Have we not the best constitution in the world?

But that answer had been losing its effect with some thoughtful citizens and efforts had already been made to reduce public patronage, but defects of our election laws making bribery and intimidation easy had heretofore attracted but passing attention.

Shortly before Sir William's letter, we had, as a result of the assassination of President Garfield by a disappointed office seeker in 1881, been able in January, 1883, to pass a Civil Service Reform Law, called "the Pendleton Act" for the National Service, and somewhat similar measures were soon after enacted in New York and Massachusetts applying to state and local public service.

While there were very many positions exempted from these laws, yet by taking so much patronage out of politics and reducing the mercenary party workers by just so many, we had hoped to make the road to political success more inviting to high-minded and able men, at least in New York and Massachusetts, but something more was needed than the diminution of patronage.

Bribery had become prevalent, and at the Presidential election of 1884 the defects in the electoral machinery were such that even the best constitution in the world could not wholly blind our eyes.

For several years I had worked on the Republican Ward and City Committee of Boston, canvassing and organizing before caucuses and elections, was on the committee for printing and distributing ballots, and served variously as watchman, marker, or election officer on the days of voting, and not only in my own neighborhood but in some of the rougher districts near the old Boston & Albany Station. This experience made me well informed as to our election laws, their practical working, and the crying need for change.

The laws very much limited the free choice by the people of their representatives; they also made fraud, intimidation and bribery easy, and encouraged rioting and disturbance at the polls.

Absolute freedom of choice, including ready means of

defeating bad nominations, is of course essential to successful democracy, but under the then prevailing system what chance had the voters to do the latter?

Let us suppose the Republican or Democratic voters of Massachusetts were dissatisfied with the candidate for Governor nominated by their party convention. Then what was their situation?

To understand their plight we must glance back at the election laws. Ballots were required, but the law was silent as to who should print and distribute them. That was left wholly to private initiative, with no regulation except as to size and color of print and paper. As a rule the ballots were printed and distributed through the local party committees.

Why should not the dissatisfied voters print and distribute their ballots? But what a task! There were in Massachusetts in 1888 nearly 900 separate voting precincts, and for each one of them on election day reliable ballot distributors had to be on hand from early morn to dewy eve. To arrange for this distribution alone was no small task, but the printing of the ballots was a still more difficult one. If the office of Governor alone were to be filled at the Election, the printing would be easy enough, but on the same day, members of both branches of the State Legislature, of the Governor's Council, several County Officers, and some five other State officers, such as Attorney General and Treasurer, every other year members of the United States Congress, and every fourth year presidential electors had to be chosen, and the law restricted the voter in his choice for all these to one single ballot. To put it in another way, there were several County officers to each one of the fourteen counties; thirty-nine Councillor districts within the State, each electing one councilman, thirteen Congressional districts, quite different in their boundaries from the counties; forty Senatorial districts, with still different boundaries, each electing a Senator, and 150 districts for the 238 members of the Lower House, some of the districts sending three, some two, and some others one.

I can speak feelingly as I was chairman of Col. Thomas Wentworth Higginson's Independent Republican campaign

committee when he ran for Congress under the old election laws.

Recourse had sometimes been had to "stickers," that is, gummed labels. While these had been useful in small districts, they had never, to my knowledge, been used for the Governorship of a whole State. The use of "stickers" required an organization for each voting precinct. The "stickers," moreover, sometimes fell off in the ballot box and were not counted, and to use a "sticker" was a very conspicuous act. There was no booth or retiring place at hand in which the "stickers" could be put on secretly. The publicity of using a "sticker" from that time on marked a man as a "bolter" and thereafter he could expect no favors for himself or friends from the party managers. At all events, the "stickers" were unpopular and impracticable.

Of course one could vote the regular ballot of the other party, but then its candidate for the Governor might be no better than that of his own party, and at best he would be voting for candidates including members of Congress and of the State Legislature, whose principles differed wholly from his own. So altogether the party managers felt quite safe in nominating a mere "money barrel" or otherwise objectionable candidate for high office with no fear of successful revolt.

But besides the arbitrary power given to the party "machine," there was no secrecy in voting. A bribed voter could legally and easily show that he had "delivered the goods," and intimidation had no check. More than once I have seen a ballot taken from a voter and another given to him with a warning that he had better cast the latter.

Bribery had become very open, nor was it confined to recent immigrants by any means. Some cases of auctioning off votes in a district where the bribe takers were almost wholly descendants from early settlers were told a Committee of the Massachusetts Legislature. Convictions for bribery there were none. Nobody seemed to care after the election was over.

The necessity of employing ballot distributors furnished a ready excuse for bribery, many scores being hired by a

party in a precinct where four or five would be ample. I lived in a ward where this superfluous bribery was the custom, and as member of the Republican Committee for that ward, I offered a vote limiting the ballot-holders to five for each precinct. At first there was some opposition, and then, to my astonishment, the motion was quickly passed. After the election was over I was told, however, that while none of the funds of the party committee had been used for supernumerary ballot distributors, yet a separate fund had been raised and the usual excessive number employed, and that had quietly been planned before my motion was carried in the committee.

There was another menace. Bogus ballots were printed, called "Regular Republican" or "Regular Democratic," with a substitution of another name for a regular nominee usually for a minor office, thereby deceiving many.

There was a provision in the Massachusetts laws for secrecy, but the secrecy was voluntary. Envelopes were supplied at each precinct to be used, if desired, by any voter. Secrecy in voting, unless compulsory, is no secrecy at all. The bribed or intimidated voter, of course, did not use the envelope and, for one reason or another, it was the rarest thing for one to be called for.

A story was told of an office holder who did not wish it known how he was voting, for fear of losing his position, so he deposited an envelope. The election officers thought they had caught him, as his was the only envelope put into the ballot box. When they opened the envelope, however, they found two ballots, one for each party.

In answering Sir William Vernon Harcourt's letter, I collected together, in a way I had never done before, all the defects of our ballot system, and it was his question and my answer to it that stirred my spirit within me.

It happened at this time that there was a small informal group of men, living in or near Boston, who had been prominent in securing the Civil Service Reform Law for Massachusetts, and who met occasionally — at Young's Hotel, Boston — to dine and discuss public affairs. It was called the "Dutch Treat."

I laid the matter before them and found a ready response

for they were not satisfied with having the best constitution in the world, and felt that something must be done if democratic representative government were to continue in the land as a reality and not as a deceptive form. Not one of our members had ever heard of the Australian Ballot Law. We all knew that Great Britain, some fifteen years before, had condemned the *viva-voce* voting — so well described by Dickens in his Eatanswill chapter of Pickwick Papers — and substituted ballots, but we presumed they were something like ours, and had given the subject no special study. Among the members of the "Dutch Treat" were the Hon. Henry H. Sprague, prominent lawyer and author of valuable law publications, Hon. George G. Crocker, George V. Leverett, counsel for the New England Telephone & Telegraph Company, and Mr. Heman W. Chaplin, the author of several charming novels, a man of scintillating mind and an acute lawyer.

As I had brought the matter up I had asked to have a committee formed. After a few meetings, I was made "a committee of one" to collect data and outline a bill. I found the largest number of offices that would have to be filled at any one election, and the maximum number of candidates that had been nominated for each, and then prepared on brown paper a folded ballot, and found that it would go into the ballot boxes required by our law. (That sheet of brown paper, thus folded, and most of my reports and drafts in my writing, I still have in my files).

The ballot boxes then in use registered the number of ballots cast, and stamped each one, as it was turned in, by a mechanical device. This was a great protection against ballot box stuffing, for no extra ballots could be put in and stamped without the increase being shown on the dial. The dial was carefully noted and its number recorded at the close of the polls.

Mr. Sprague, while in favor of an officially printed and distributed ballot, was at first opposed to secrecy in voting. Acting under the influence of Lord Palmerston and John Stuart Mill, he urged that the secret ballot cultivates cowardice and "hypocrisy," but later he was persuaded, largely

through Mr. Crocker and Mr. Leverett, that this rather hypothetical objection was outweighed by the need of stopping coercion and bribery.

Next came up what may seem a small matter but was really a large question, namely, how the candidates' names should be printed on the official ballot. One suggestion was to have the names of all the candidates for each party printed in a party column, and to allow one cross at the top, to count as a vote for all. The names of the independent candidates to be printed separately at one side.

Another suggestion was to have all the candidates for the same office grouped together — for example, for governor in one group with a blank space for an independent choice of the voter, and then in the next group, candidates for Lieutenant Governor, and so on.

In speaking of the latter, Mr. Chaplin said, "Why, this is giving to each voter a separate marking list." Now, marking lists had long been used at party caucuses or primaries. The names of the candidates nominated from the floor were written out on a large sheet of paper, called the marking list, and each man came up in turn and made his mark against the candidates of his choice for the various groups of offices, in the presence of the presiding chairman and secretary.

This suggestion of Mr. Chaplin's was a telling one and popularized the group and separate mark system which we decided to adopt.

The party column and single mark would destroy secrecy, we believed, whenever an independent nomination had been made. The person voting "straight" would make but one mark and go immediately out of the booth. To vote for an independent candidate required a separate mark for all the regular party candidates, excepting the one to be voted against, and then a cross had to be put opposite the substitute's name also. The difference in time would be very considerable, and a party man, who had taken far longer than the usual time in the booth would be known to be voting for the independent candidate.

As will be told later, several States afterwards adopted

the party column and single cross system, to the great disadvantage of independent voting, of secrecy and of accurate counting.

In addition to the nominations made in the party caucus and convention, there were to be printed on the official ballot the names of the independent candidates, nominated by petition of registered voters, with provisions as to number of signers required.

We arranged for a considerable time between making the nominations and the printing of the ballot, not only for correction of error or fraud, but chiefly to give ample opportunity for the discussion of the merits of the various candidates. It had been not uncommon in the past, to make the nominations, especially for small districts, only a day or two before the election, and even on the very morning, for the purpose of avoiding public enlightenment.

But what advantage would it be to the dissatisfied voters if their nomination should have to be made at the same date as those by caucuses and convention? To meet this, we decided to make a further provision, namely, that the nominations by petition could be received several days later than the regular party nominations.

Again I wrote a letter to Sir William — it was after our first hearing before the legislative committee, which took place February 12, 1888 — asking him whether there had ever been any official report upon the working of the ballot law in England, and what was his opinion as to the success of the measure. Under date of March 29, 1888, Sir William replied, saying: "We have no official report on the working of our ballot Act, but in spite of all the apprehension on the subject, I think it is universally admitted that it has been extremely successful. It has got rid of riot and disturbance which used to be the regular attendants in these contested elections, and there has certainly been no presence of fraudulent practice connected with the balloting."

This letter was very satisfactory and helped us at a further hearing of the legislative committee, in public speeches, and through the press.

It is curious, however, that one so well informed as Sir William, should have made a mistake as to an official report

on the subject. It shows the danger of making a general denial. In 1876, on the motion of Sir Charles Dilke, just such a committee had been appointed, with that noted Liberal as chairman. (Parliamentary Papers, 1876, Vol. 12.) That committee gave the subject a thorough investigation and summoned town and city clerks, returning officials and election agents. The Dilke report attracted less attention because there was no opposition to it and it was merely collecting in a formal way and recording evidence of the same prevailing opinion which Sir William himself entertained.

One would hardly expect from an Englishman, noted for his strong intellect and powers in debate, anything like affection, but let me here interject that these two letters from Sir William had very complimentary words about my father. These I knew were prompted by a warm heart which I felt he had for my father, and for me too, when I saw so much of him in 1875 and '76, and he did so much more for me than was socially required, or than I was ever likely to be able to repay, except by having a like feeling for him.

The present Lord Coleridge in his *This for Remembrance* [2] says of Sir William: "His manners were too blunt to be popular but they were known to conceal a warm heart, an upright character, and he was a loyal friend."

At the first hearing before the committee of our legislature, there appeared an amount of public interest in an officially printed ballot that surprised us. In the previous Presidential election there had been charges of gross fraud, repeating, intimidation, and wholesale bribery. That famous phrase "Floaters in blocks of five," each to be in charge of a party worker, and brought to the polls, had been publicly used in Indiana by William Dudley, Chairman of his State Party Committee, and the phrase spread all over the country. It short the public was at last thoroughly aroused to the existing evils.

We found several bills presented beside our own. One of the best of these was by Elihu B. Hayes, a member of the legislature, ex-Mayor of the City of Lynn, and editor of its most prominent newspaper and a popular leader. Instead

[2] London: 1924, p. 169.

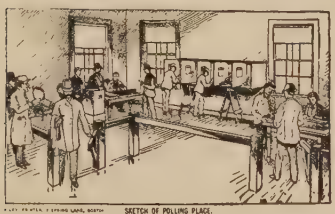
of insisting on his own bill, as he might well have done, he saw the advantages of ours and threw himself heart and soul into its support.

It was at this hearing that we first learned of the existence of the Australian Ballot Law, which we had invented afresh.

At a later hearing, as we were preparing a still more thorough draft of our bill, Mr. H. H. Sprague, one of our original "Dutch Treat," who had been elected to the Senate and made chairman of the Committee on Election Laws, told us he had just received from New York a copy of a bill which had been introduced into the legislature by Mr. Saxton and his friends, and which seemed likely to become law. Mr. Sprague requested us, on behalf of his legislative committee, to use as much of the phraseology of the New York bill as would fit into our scheme, for the sake of uniformity, and he later mailed me a copy of this New York bill (which I now have with my name and address in his hand writing). We redrafted our bill, using the New York phraseology, and thereby incurred the charge made in the New York *Nation* that our measure, which we purported to have invented, was but a copy of the New York bill. Not only we ourselves, but Mr. Hayes and other authors of bills, stated that none of us had ever heard of the New York bill while we were drafting our measures. The New York bill passed the House and Senate, but was vetoed by Governor Hill.[3]

In order to help the passage of our bill and instruct the public, I gave illustrated lectures all over the State. I was equipped with a set of voting shelves arranged to fold on hinges and fasten with hooks so as to be easily transported by express, and also was supplied with printed sample ballots such as would be used at elections held under our bill. The addresses ended with a mock election which proved to the doubters the speed and ease with which the voting could be done.

[3] Evans' *History of the Australian Ballot in the United States* in the *National and Municipal Review* (1918) says that "the movements in New York and Massachusetts were independent and spontaneous, and that the Massachusetts system is the best, and after years of experience has been adopted in fourteen states." Only those laws marked "Massachusetts" are "genuine."



SKETCH OF POLLING PLACE.

INFORMATION FOR VOTERS.

Go to the Rail or Entrance, give your name and residence to the clerk, who will admit you within the rail, where you will receive a Ballot.

Go to one of the voting shelves, and open your Ballot.

Mark a cross **X** in the square at the right of the name of each person for whom you wish to vote, or where the word **DEMOCRATIC** appears. No other method of marking, such as erasing or scratching names you do not wish to vote for, will answer.

Thus, to vote for **OWEN A. GALVIN** for Mayor, mark your Ballot in this way:

FOR MAYOR.	Vote for One.
OWEN A. GALVIN, 5 Claremont Park, Citizen, Democratic.	X
THOMAS N. HART, 298 Commonwealth Avenue, Citizen, Independent Democrat, Republican.	

If you spoil a ballot, while marking it, or mark it wrong, return it to the ballot clerk, who will give you another; but you cannot have more than two extra ballots, or three in all.

Before leaving the voting shelf, fold your ballot once in the same way as it was folded when you received it, and keep it so folded until you place it in the ballot box.

Go to the ballot box and give your name and residence to the officer in charge.

Put your folded ballot in the box with the certificate of the City Clerk uppermost.

If you were a voter before May 1, 1857, and cannot read, you can receive the assistance of an election officer in marking your ballot.

If you are physically unable to mark your ballot, or if you are blind you can receive assistance from an election officer.

SAMPLE COPY

— OF THE —

OFFICIAL BALLOT

As it will be furnished at the Municipal Election in the City of Boston, Tuesday, December 10, 1889.

In order to vote the **REGULAR DEMOCRATIC TICKET** make cross marks like this **X** on the Official Ballot, which will be furnished at the polls, in the places where a cross mark is printed on this Ballot, that is, opposite the word "**DEMOCRATIC**" wherever it appears. Make the mark full and perfect.

This is only a sample copy of the Official Ballot, and cannot be voted; but it can be taken into the marking booth for comparison with the Official Ballot, and will show you the Regular Democratic nominees.

Be sure to mark *all* of the **DEMOCRATIC** Candidates; don't stop with the first names on the ticket; begin with Mayor, and go through the entire Ballot, putting the mark **X** where the word **DEMOCRATIC** appears on the Ballot, and be sure and put the mark **in the Square at the right of the word DEMOCRATIC.**

RILEY, PRINTER, 7 SPRING LANE, BOSTON.

WARD 13

To vote for a person, mark a Cross X in the Square at the right of the name.

FOR MAYOR. Vote for One.

OWEN A. GALVIN 5 Claremont Park — Citizen, Democratic	X
THOMAS N. HART 298 Commonwealth Avenue — Citizen, Independent Democrat, Republican	

FOR STREET COMMISSIONER. Vote for One.

ISAAC S. BURRELL 63 Munroe Street — Independent Democrat, Republican, Democratic	X

FOR ALDERMAN. Vote for One.

EDWARD J. LEARY 25 West Fifth Street — Independent Democrat	X
JAMES A. MURPHY 313 West Fourth Street — Democratic	
WILLIAM H. A. WATTS 34 Warrenton Street — Republican	

FOR COMMON COUNCIL. Vote for Three.

ALBERT BAKER 314 E Street — Republican	
JOHN H. GRIFFIN 93 Broadway — Democratic	
THOMAS KELLY 237 D Street — People's Democrat	
THOMAS F. KELLY 16 Colony Street — Independent Democrat	
MICHAEL V. MALONEY 18 B Street — McClellan Democrat	
HENRY MITCHELL 114 B Street — Republican	
PATRICK J. MURRAY 280 West Fourth Street — Independent Democrat	
MICHAEL W. NORRIS 67 West Seventh Street — Democratic	
ANDREW J. QUINN 239 C Street — Independent Democrat	
JOSEPH B. ROGERS 328 E Street — Republican	
WILLIAM J. SULLIVAN 3 B Street — Labor Democrat	
GEORGE A. WHITELEY 4 B Street — Democratic	
WILLIAM H. WOODS 59 Silver Street — Independent Democrat	

FOR SCHOOL COMMITTEE. Vote for EIGHT.

STILLMAN B. ALLEN 38 Commonwealth Avenue — Loyal Women, Women Voters, Committee One Hundred, Republican, Democratic	X
ISABEL C. BARROWS 51 Sawyer Avenue — Democratic	X
HENRY CANNING 340 East Fifth Street — Democratic	X
CHARLES E. DANIELS 370 Main Street — Loyal Women, Women Voters, Committee One Hundred	
WILLIAM A. DUNN 60 Chambers Street — Democratic	X
CHARLES T. GALLAGHER 26 Thomas Park — Loyal Women, Women Voters, Committee One Hundred, Republican, Democratic	X
CAROLINE E. HASTINGS 145 West Concord St. — Loyal Women Women Voters, Committee One Hundred, Republican	
ELIZABETH C. KELLER 40 Green Street — Loyal Women, Women Voters, Committee One Hundred	
JAMES A. McDONALD 116 Main Street — Republican, Democratic	X
GEORGE E. MECUEN 1083 Tremont Street — Loyal Women, Women Voters, Committee One Hundred, Republican	
JAMES S. MURPHY 92 Walnut Avenue — Democratic	X
FRED G. PETTIGROVE 409 Main Street — Loyal Women, Women Voters, Committee One Hundred, Republican	
FRED A. WELLINGTON 195 Webster Street — Republican, Democratic	X
BENJAMIN B. WHITTEMORE 12 Melville Ave. — Loyal Women, Women Voters, Committee One Hundred, Republican	

Mark a Cross in the Square at the right of the answer you wish to give.

Shall Licenses be granted for the Sale of Intoxicating Liquors in this City?	Yes.	
	No.	

In every city and town over the State, where I spoke the audiences were enthusiastic over the measure.

Eventually our bill passed, after the defeat of some hostile amendments, and was approved by Governor Ames on May 30, 1888 — as it happened, in the centennial year of the adoption of the United States Constitution. This was the first measure of the kind to be passed in the United States for a state-wide election.

To the tact, ability and influence of Mr. Sprague in the Senate and of Mr. Hayes in the House, the passage of the bill was chiefly due, and both of them have rightly been called " Fathers " of the measure.

As drafted, our law was to go into operation in the autumn of that year, 1888, but as there was to be a presidential election, it was thought safer to defer its first working until the elections in the autumn of 1889 — a so-called " off year." The delay would also give ample time to educate the voters and public officials in the new system.

For the purpose of this education we printed a large number of sample ballots for distribution. On the back of these appeared an illustration of the voting place in actual operation. This was worked out with the help of Robert D. Andrews and Herbert Jacques (architects), by Mr. Morrill Wyman and myself, after various sketches, so that one could see at a glance the whole process.

During this year of preparation we coöperated with the able and experienced Secretary of the Commonwealth, Hon. Henry B. Pierce, in getting out instructions to town and city officials, election officers and voters, and through the same architects we had plans and specifications of voting shelves, and our sketch of the voting plan printed and attached to the official instructions. This work occupied much time, in drafting, redrafting and consulting, as brevity and clearness were absolutely essential for securing the successful working of the law. These were completed at a final conference with the Secretary of the Commonwealth on July 3, 1889.

On July 16, 1889, at the invitation of the New Hampshire legislature, sent me through Hon. George F. Page, chairman of the Committee on Election Laws, I went to Concord and

delivered an address before the joint session of House and Senate on the new Massachusetts election law, with demonstration by my voting shelves. Altogether a favorable impression was produced, and later, in that same year, the Massachusetts form of the Australian Ballot was adopted by this legislature and went into operation in 1890.

November 5, 1889, was the momentous day in Massachusetts, for the trial of our new Law. For me it was a day of excitement and elation; one of the most thrilling in my life. I visited the polls in various parts of Cambridge and Boston, especially in the districts of the latter city that used to be so rough and noisy, where I had seen a man's coat torn off his back and crowds pushing voters away from or up to the polls. It was a day ending in supreme satisfaction. Everywhere I went I found all was going on quietly and in a perfectly dignified manner, and that alone was almost worth the whole of our efforts to obtain the law. We could see no trace of intimidation or bribery; intimidation was impossible, and bribery a speculation.

On December 13th we had a meeting of the "Dutch Treat" for mutual congratulations.

It is a noticeable fact that after our 1924 presidential election, while there were charges of large expenditures of money, there was no suggestion that any part of it was used for bribery of voters, as before 1889.

In 1890 I was on the executive committee of the Ballot Law League, attended eight meetings and six hearings before the legislature to oppose some amendments to the law, and we were able to maintain it in its integrity. It had became too popular on the first trials to suffer any serious change.

Yes! We had the best constitution in the world, but as it provided for a representative democracy, founded upon popular vote, the strengthening of the foundation was more than an embellishment of this wonderful instrument.

Sir William Vernon Harcourt was not the only English statesman who had made a mistake as to the history of the Australian Ballot system. A more serious mistake was made by another. I give the incident, as it shows an error

common in England and presents the true history of the system.

In October, 1890, while talking with a group of men including Sir Lyon Playfair (later Lord Playfair), I was introduced by him to the Rt. Hon. Joseph Chamberlain, M. P., as "the father of the Australian Ballot Law in the United States." Mr. Chamberlain immediately remarked, "Why say Australian Ballot Law? Why not call it the English Ballot Law?" He said he believed the word "Australian" was used to make it more palatable in America, it being really an English system. I told him that it was invented in Australia. He replied, "Oh, no, you are quite mistaken; it was an English system, afterwards extended to Australia." Proud of my recently acquired information I told him if he would look the matter up he would find it was invented by Francis S. Dutton of South Australia, about 1856, and became a law in 1857, and soon spread to other parts of Australasia; and that it was not until 1869 that a parliamentary committee was formed in Great Britain, of which the Marquis of Hartington was chairman; that this committee examined witnesses from Australia and elsewhere and reported favorably, but that the Ballot Law was not passed in England until 1872, about fifteen years after it was in force in Australia, and that it was sixteen years after it was passed in England that the first Australian Ballot Law was passed in the United States. Chamberlain was convinced and took the correction in perfectly good part.

On December 26, 1890, I had a call from Mr. Page of the New Hampshire Legislature, who had invited me to address that body. He was interested in preserving the Massachusetts form which had just been passed in his State.

I furnished Mr. Page much information and carefully prepared statistics to show that the objections made by the politicians in New Hampshire were not well founded, but Mr. Page's efforts were in vain; the combined Republican and Democratic machines of the State were too much for him, and they adopted the party column and single mark system, because those party politicians, to whom we were introduced by Winston Churchill in his Coniston series, wanted to down all revolt against their sovereign will.

To go back to the Massachusetts form of ballot, everyone had to admit that it put a full stop to all rioting and roughness at the polls; that intimidation had absolutely ceased, and bribery had been eliminated.

There were other objections, however, that were raised both in and out of the State. I took up these various objections, investigated our splendid official reports thoroughly, and replied in the newspapers. One objection was as to the cost. I showed from official figures that the outlay was trivial.

Complaint was made that it took longer to mark and cast the ballots under the new system, but that was easily disproved. Even in large towns having but one voting precinct each there was no delay or inconvenience.

Another objection was that the less educated were kept from the polls. As to that, the statistics were conclusive.

Under the new system, in 1889, a considerably larger per cent voted, both in the City and State elections, than in the average of the three non-presidential years preceding, in the City of Boston, and in the manufacturing cities such as Lowell, Lawrence, Fall River and the like.

I took the six wards of Boston which represented the least education, and compared them with six representing the greatest, and the percentage of voters voting in the first six in 1889 was almost exactly the same at the State election, and nearly four per cent greater at the municipal election, than in the more educated wards, and when I say voting, I include only ballots properly marked and counted. The per cent in the wards with least average education was, in the municipal election, 83⅗, an unusually high percentage.

Claim was then made that the number of possible voters who registered might have fallen off, but there again I showed that a larger percentage of the population registered under the new system than under the old. Another objection was that the Massachusetts system favored the independents and broke up the party organizations. It abolished party tyranny but not party existence.

A further claim was made that there was a great falling off from the number of votes cast for the head of the ticket to those coming further down, it being asserted that the

voters got tired and ceased marking. It is true that as a rule the offices that stood at the head of the ticket — say the Governor or the Mayor — received more votes than were usually given for other offices, but it appeared that in some districts where there was a very close contest for the Senatorship there were as many, and in some instances more, votes for the Senator near the end of the ballot, than were cast for the office of Governor, at the head.

Pennsylvania had established a ballot law of a rather imperfect kind, which still (1925) is the law, and the Ballot Law Association of that State requested me, in 1892, to make an address before the American Academy of Political and Social Science on the more perfect Massachusetts system. This address was given on February 26, 1892, and was reported in full in the February number of the Academy of that year and reprinted in a separate pamphlet (No. 55). I brought the above statistics down to date, and disproved the same objections.

On this visit to Philadelphia, where the address was given, I stayed with Charles C. Binney, one of the promising public spirited young lawyers of the city, and it has been one of the deep regrets that he and his friend and co-worker, Robert D. Jenks, did not live to fulfil the promise of usefulness towards better things in their politically backward State.

After the first two years there had constantly been movements in Massachusetts to change the form of our ballot to one of party columns with a single mark. These attempts had been easily defeated till 1901, when the Secretary of the Commonwealth, W. M. Olin, who had filled that office some ten years, endorsed the plan and strongly urged its adoption. In talking with him we were sure that he was honest in his views and therefore all the more dangerous if they were wrong; he said he believed that the loss of secrecy which we claimed, was imaginary.

Having confidence in ocular demonstrations, I brought up to the Committee Room actual booths, using my old folding shelves, and had ballots printed such as were used at the previous election, and another set of ballots printed with the same candidates but in party columns, with the one

mark plan. The hearing took place on February 15, 1901. The whole committee and a large audience, including Mr. Olin, were immediately convinced of the real force of our argument by this actual proof before their eyes, and the movement collapsed then and there, and has never shown its head again in Massachusetts.

I also distributed many pamphlets on the subject, which proved of value, for example, to Judge Ben Lindsey, of Denver, Colorado. He used it in his efforts in that State for a better election system.

For many years I gave addresses on the Massachusetts voting system, such as before the New York League for Political Education, in 1896; the New York State Bar Association, in 1906 (which address was printed not only in the report but in a separate pamphlet and largely distributed); the National Conference on Election Laws in New York and other addresses on the same day before the Civic Federation of New York; the Philadelphia City Club, 1910; the New York City Club, 1909, and again in 1911. The most important address, however, was before the Joint Judiciary Committee of the New York State Assembly at Albany.

The hearing at Albany was on a proposal to adopt the Massachusetts form of ballot. It was held in the Capitol on Wednesday, April 19, 1911, the anniversary of the Battle of Concord and Lexington, as it happened. There was a meeting of the full committee. A young lawyer, representing the New York City Club, made a really able argument for the Massachusetts ballot. He quoted from my article in the American Academy of Political Science and gave the gist of all the points in our favor. He spoke well, too, but though I followed it easily, I saw from their faces that the Committee were not taking it in, and had the matter been left right there, little would have been the chance for a change. I had prepared myself, however, for an ocular demonstration. To illustrate the points I used actual official ballots. Opposite the names of the various candidates I marked in large red figures the number of votes received by each, selecting, of course, illuminating cases. In answer to the theory that a vote always fell off from the top, I showed some actual instances where the total vote for State Senator, as already

stated, next to the last on a long ballot, received more votes than the total for Governor that was at the head of the ballot. Also, in answer to the theory that the alphabetical arrangement was a great advantage to the man whose name began with "A," I took case after case where the candidate near the end of the group got more votes than any one higher up. The most striking illustration was where there were selected for the Board of Aldermen six out of a total of eighteen nominations, where the candidate who received by far the largest number of votes was a Mr. Whittemore, the very last name on the ballot.

Taking up a large number of cases where several offices were to be filled out of a group of candidates I showed that it was quite remarkable how seldom it was that the vote was larger for those who were at or near the top, and in general, that the number of votes cast for the candidate for any office, depended upon the interest taken in the election of that man and not on his position on the ballot. Had I merely mentioned these, one after another, the list would have been wearying, but the picturesqueness of these ballots was most striking and convincing. The chairman of the committee paid me an elaborate compliment, but I appreciated still more the words of a man, a total stranger, coming up, grasping my hand and warmly thanking me for the way I had presented the case. I was cross-questioned by Senator Grady, an opponent of the bill. His questions, however, but gave me an opportunity to reiterate and illustrate, and very much helped the cause.

I heard one man say (and I was told he was an influential Tammany man), "Dana has got the goods." And later there appeared in the New York papers an interview with this same Tammany leader, who repeated what I had heard him say at the hearing, about my "having the goods."

On Saturday, December 13, 1913, quoting from my journal, "I saw in to-day's paper that the Massachusetts Ballot has passed the New York Legislature."

Of course the ball was carried near to the goal line only by aid of the splendid forward work of the New York City Club, New York Ballot League, and other civic associations, but someone said, "It was Dana's having the goods

at Albany that put it over," and of course I like to think he was right.

Mr. PEARSON read a paper on "Campaigning with Hanna," telling the story of the efforts of General Horace Porter in raising funds in New York City for the Republican National Committee in the presidential campaign of 1896. Using the method which he had already employed successfully in procuring funds for the erection of Grant's Tomb, Porter appointed committees representing two hundred or more lines of business and of professional activity. These committee men thoroughly canvassed their own fields, and reported constantly to the finance committee, of which General Porter was chairman. By means of these efforts the larger part of the money used in the campaign was raised. General Porter was also Grand Marshal of the "Sound Money" parade which took place on the Saturday preceding election day. Over one hundred and twenty-five thousand men were in line, and the plans laid were so well carried out that at no time were the marchers behind their schedule. On the day of the inauguration of McKinley and Hobart, General Porter acted as Grand Marshal of the inaugural parade. He was acknowledged to have made a notable contribution to the success of the Republican cause in this campaign, and in appointing him ambassador to France, McKinley made appropriate recognition of his great service.

MR. WOLKINS submitted the following on

THE BOSTON CUSTOMS DISTRICT IN 1768.

The fire in the London Custom House, February 12, 1814, undoubtedly deprived us of masses of material that would have illustrated more satisfactorily than is now possible the administration of the customs in the American plantations. A system of inter-departmental memoranda and correspondence, the Treasury Board Papers in particular, provides many documents that are of help to the investigator. In Professor Andrews' valuable guide there is reference to a "Communication (27 pp.)," of date April 30, 1768, "giving prac-

tically a history of the Boston custom-house administration since 1707 and an account of the trade of the colony,"[1] and it seemed on reading the original that the text would be of sufficient interest to lay before the Society.

The paper is an official compilation signed by Joseph Harrison and Benjamin Hallowell, respectively Collector and Comptroller of the Port of Boston, in answer to queries addressed to them by the then newly constituted American Board of Commissioners of the Customs. To the report itself are appended two tables: one shows the revenue establishment along our coast in 1716, and the other names the fees taken by customs officers at Boston from September 29, 1764.[2]

May it Please your Honours, — We received your general letter No. 4, dated the 11th of January directing us to make Report to your Honours of Sundry Matters respecting the State of Our Port and district. In Obedience to which, We have used our best Endeavours, to procure Such Intelligence as may enable us to Return a Satisfactory Reply to your Enquiries, Many of which relating to Places and Transactions, at a great distance from hence, could not be properly Answered, Without applying thither for information, which Necessarily took up time, And must be our Excuse to your Honours for so long delaying Our Return to that Letter.

The Method We propose to take is, to transcribe, Singly each paragraph of Your Honours letter, And then to give such Answers, Information, or Remarks, as the General Matters it contain may require.

The first is as follows, vizt:

You are hereby directed to Acquaint us with the Extent of the district of Your Port, and whether the Boundaries thereof, have been Ascertained by any, and what Authority, or taken from Usage, and custom only; And you are to give an Account of the Several Harbours, Rivers, Creeks, and Bays, within the same.

We have examined all the Records, and Letters that are now to be found at the Custom-house, and the Substance of what we can collect relating to the Bounds, and the Extent of the District of this port is, That till the Year 1707 the Commission or Deputation of the Collector residing at Boston extended to all the

[1] C. M. Andrews, *Guide* II. 172.

[2] Treasury 1. Bundle 465. ff. 179–193.

four Provinces of New England vizt. New Hampshire, Massachusetts Bay, Rhode Island and Connecticut. But in that year Mr. John Jekyll, Nephew to Sir Joseph Jekyll, was appointed by a Deputation from the Commissioners of the Customs (dated May 22d) Collector of the Port of Boston only. The Management of the Business of the Customs in all the other ports of New England still remaining in the hands of Deputies who had been appointed by the former Collector (Mr. Brenton) or Naval Officers, appointed by the Governors, or Assemblies of the respective Provinces or Colonies in which the Ports were Situated.

How long the Affairs of the Customs continued in this State, is uncertain, Nor were the Limits and Extent of the Port of Boston then Settled or Defined, either by Instructions from the Commissioners of the Customs, or otherwise, as it appears by Several Letters now on Record, that sometime after the Year 1707 frequent Dispatches and altercations arose between Mr. Jekyll and the Neighboring Ports Relating to the Extent of the district.

AT what time the present Boundaries of the Port of Boston were settled, Or whether they were ever properly or authoritatively ascertained, we are not able to determine.

BUT the most probable Account of the Matter Seems to be this. That after a Collector had been settled at Salem, Marblehead by Situation (as being contiguous) would consequently be annexed to that port, And there being no place of trade between Marblehead and the harbour of Boston, that short extent of Sea Coast, would Naturally be Estimated as belonging to the old district from whence the other had been taken. So likewise when a Custom-house was established at Rhode Island, the Collector being appointed for that Colony only, the authority of that Office could extend no farther than the Limits of the Colony, including all such Rivers as run through it, Consequently all the Sea Coast between the Eastern Boundary of Rhode Island Government and Boston, as having been before, so must be supposed still, to remain a part of that district.

'Tis true in a Provincial Act of Assembly passed in the year 1716 for Stating the Fees of the Custom-house Officers within the Province, Mention is made "That all the Roads and Harbours from Cape Cod on the South side (within the Bay) be deemed the Port of Boston untill a Naval Officer be settled in them." But as this seems only to Relate to some intended arrangement of their own, Respecting their Naval Officers, so is nothing to the present purpose.

The foregoing is the best Information We are able to give Your

Honours respecting the Authority by which the Extent and Boundaries of the District belonging to the Port of Boston have been Ascertained, the Substance of which may be comprehended in this short description vizt. That it is the Remains of a Very large and Extensive District formerly including all the four Governments of New England, from which at Various times, since, Several other Districts have been separated and divided.

This Remainder, being what now is, and by usage and Custom, long has been, estimated and accounted, the District of the Port of Boston begins at Lynn (the next Town to Marblehead) which is its Northern Limits, and from thence proceeds Westward and Southward, and along the Southside of Massachusetts Bay, to Cape Cod, and then Round the Cape, and along the Sea Coast, next the Ocean, as far Westward as the Boundary line of the Colony of Rhode Island, including the Islands of Nantucket, Marthas Vineyard and Elizabeth Islands.

Within these Limits are many Harbours, Rivers, Creeks, Roads and Bays, the Most noted of which are as follows vizt: Beginning to the Northward, The first is Lynn Bay, at the head of which are several Creeks; the next is Point Shirley, then the Mistick River, and Charles River, On the Northside of which stands Charles Town, and the Southside Boston. The next (passing by the Townships of Roxbury and Dorchester) is Milton River or Creek, Braintree, Weymouth, Nantasket Road, and Harbour, and Hingham. Thus far, round from Point Shirley is what's commonly called the Harbour of Boston, including Several Small Islands thro' which are three Channels leading up to the Town vizt. Pullins Point Gutt, Broad Sound, and Lighthouse Channel, the last of which is the Deepest and mostly used by large Vessels. The next Harbour from Hingham is Cohasset, then Scituate Harbour and North River, then Plymouth Bay, On which lye the harbours of Duxbury, Kingston and Plymouth; From thence to Cape Cod is Barnstable Bay, on which are situated the Towns of Sandwich, Barnstable, Yarmouth, Harwich, Eastham, Billingsgate and Province Town (in which last is Cape Cod Harbour). And now going round Cape Cod we come to Monimay or Chatham, then Bass Creek, Hayenas, Oyster Bay, Millopie, Falmouth Bay and Woodshole.

Here begins Buzzards Bay, at the Entrance of which on the Eastside lye Elizabeth Islands. In Buzzards Bay are some small Rivers and Creeks, and to the Westward of it are the Towns of Wareham, Rochester and Dartmouth; Which last joins to Rhode Island Boundary Line. In these last mentioned Townships, are

Several Small Coves, Harbours, and Rivers, as Dartmouth Harbour, Clarks Cove, and Slocums Harbour; All these are on the Mainland, And on the Islands are the following Roads and Harbours vizt. On Elizabeth Islands, Tarpaulin Cove, Quick's Hole, and Robinson's Hole. On Marthas Vineyard, Minomohoe Cove, Lamberts Cove, Holmes Hole, and old Town Harbour. On Nantucket is Shernbourne which is the only harbour on the Island.

To render the foregoing Description more intelligible and to give some Idea of the Situation, and Distances of places from each other, We have annexed a map of the District, Composed from some Manuscript Sketches of the late Doctor Douglas.[3]

2d. You are further to give us an Account of the Navigation and Trade carried on in such Harbours, Rivers, Creeks and Bays, And whether Vessels have heretofore loaded and unloaded in any of them under the Inspection of any and what Officer.

BOSTON being the Capital of the District, and of the Province, We shall begin Our Answer to this Query with a more particular Sketch of the Trade and Navigation of that Town, than of the other lesser Harbours, Rivers, Creeks and Bays. The Commerce then of Boston may be divided into four principal Branches: 1st. The Trade to Europe and the Wine Islands; 2d. The Trade to the British and Foreign Settlements in the West Indies and to Africa; 3d. The Coasting Trade (under which head We Comprehend all Intercourse by Water, with the Several ports, harbours, Creeks and Rivers of this and the Contiguous Colonies of New Hampshire, Rhode Island and Connecticut); 4th. The Trade Carried on with all the other More distant Colonies on the Continent of America; And 5th. The Fisheries.

THE first is the most important and considerable, As by the Trade to Europe this Province is chiefly Supplied with all Sorts of British and other European Manufacturers, East India Piece Goods, Tea Spices, etc. Also with Wine from the Azores and Madeira; And Salt for the Cod fishery from Portugal and Spain.

IN return for all which, are Exported from hence to Great Britain Lumber, Naval Stores, Whalebone, Whale Oil, Potash, Pearl Ash, Furrs and Some other Commodities of less Note, All which are the produce of this and the Neighboring Provinces: Also Logwood and other Dyewoods, Mahogany and many other Articles imported from the West Indies, and the more Southern Colonies on the Continent.

To Ireland are Exported Flax seed, Lumber, and some Rum;

[3] Douglass' map was engraved by R. W. Seale and published about 1753.

To Spain, Portugal, and Italy, The Azores and Madeira are Exported dried Codfish, Lumber and Grain.

THE Amount of all these Exports is very great, Especially those which go immediately to Great Britain.

THE Trade to the West Indies is likewise very considerable; The principal imports being Molasses, Sugar, and Rum, from the Islands and Surinam, Also Cocoa, Coffee, Cotton, Wool, Indigo, etc. And Logwood, Fustick, Mahogany and Braziletto from the Bay of Honduras, the Musquito Shore and the Bahamas. In return for these are exported from hence, Lumber, Refuse, Codfish, Pickled fish of Several Sorts, Pork, Beef, Flour, Bread and other provisions; Also Horses, Oxen, Sheep, Hogs and Poultry. With some Articles Manufactured here, Such as Soap, Spermaceti and Tallow Candles and some Cabinet Ware.

ON this West India Trade not only the Improvement and Cultivation of the Lands in this Country greatly depend, but even the Cod fishery could not be Carried on if it was not for this Vent of such defective fish as happens not to be fit for the European Markets, which is generally a Very large proportion of the whole. NOR is the Importation of Molasses of much less Consequence to many other branches of the Trade of this Country; And by means of a Circuitous Traffic may often be converted into an Advantageous Remittance to Great Britain. The Trade to Africa wholly depends upon it; the only Export thither being Rum distilled here from Molasses with which Slaves are purchased in Guinea, and Carried to the Southern Colonies, where they are sold for Bills of Exchange Or for Silver and Gold.

As the Sea Coast of this and the Adjacent Colonies abound with Small Harbours, Rivers, Creeks and Bays; The Coasting Trade to and from Boston is very considerable; Under this distinction are included all Vessels employed in bringing Lumber, Firewood, Grain, Fish and provisions of all Sorts, both to Supply the Town and for Exportation. And in Return they carry back to West India Goods and all Sorts of European and East India Manufactures, imported from Great Britain, to supply the places they belong to. The Number of Vessels engaged in this business is surprisingly great, and by much exceeds, what are employed in the like manner at any other port in America.

THE next considerable Branch of Trade, is that Carried on with the more Distant Colonies on the Continent, from whence are imported sundry Commodities of their produce, both for home Consumption, And Re-exportation Such as Rice from South Carolina, Pitch Tar and Turpentine from North Carolina. Indian

Corn, Wheat and Rye from Virginia and Maryland, Bread and Flour from Philadelphia, and New York, Pickled Mackrel, dry Codfish and Oil from Nova Scotia and Newfoundland, etc. In return for which they send from hence Rum Sugar and Molasses with Various Sorts of Goods imported from Great Britain; and Some Articles Manufactured here, Such as Cabinet Ware, Chaises, Wood axes, etc. Also a large quantity of Provisions to supply the Fisheries at Newfoundland, and the Men of War and Garrisons at Halifax Annapolis Royal and Louisbourg.

THE Fishery of this Country are of three kinds vizt. the Whale Fishery, Cod fishery, and Mackrel fishery, All these are carried on with great advantage to the Public, in many parts of this Province, the produce of which for the most part, passes through the hands of the Merchants of Boston, especially of the Whale fishery, tho' the Vessels and people employed in catching and curing the Fish generally belong to other parts of the District. About eighteen years ago an Attempt was made by the Merchants of Boston to establish a Cod fishery, under their own immediate inspection at Pulleins point, in this Harbour, (on that Occasion Named Point Shirley) where a great number of Fishermen were collected together, and a large Sum of money expended in building houses and Wharfs, fitting out Vessels and erecting Stages and Flakes and other Conveniencies, for drying and curing the Fish. But for some Means or other (perhaps the Want of proper economy) the Scheme finally proved abortive, and the business returned again into its former Channel.

THE Building of Ships was formerly a Very beneficial business to the Town of Boston; but for the Sake of a Cheaper supply of Timber, or from the Coincidence of a Variety of Circumstances, not easily to be Ascertained or Accounted for, that business is Removed to other places, and now almost dwindled to Nothing.[4]

[4] "I will use one argument to show the impossibility of setting up Manufactures in this Town arising from the price of labor in it. The Staple Manufacture of this Town (if it may be so call'd) used to be Shipbuilding. This was so encouraged that the Ship builders when they had nothing bespoke, would set Vessels upon the Stocks on their own account. But for some Years past this Business has been leaving the Town and transporting itself to other parts of the Province where they build cheaper. The underworking of Boston may in some degree arise from the easier acquisition of timber; but it is much more occasion'd by the extravagant rise of the wages of the Workmen at Boston. A Shipbuilder at Boston some months ago was applied to by a Number of Ship Carpenters who were out of business and desired that He would put up a Keel upon his account in order to employ them. He said he would, if they would work for 2*s* 3*d* sterling a day. They said they could not work under 3*s* Sterling a day: he replied that he could

From what has been said it appears that the Trade and Navigation of Boston is Valuable and extensive, And was a Comparative View to be taken of it, and the other large Commercial Towns on the Continent of America, perhaps none could be found to exceed it in Value of its exports directly to Great Britain, except Charles Town in South Carolina; and not one to equal it in the Quantity of Shipping it employs.

Having premised thus much Concerning the Trade of Boston We proceed next to give an Account of the Trade and Navigation of the lesser Harbours etc., beginning as before to the Northward. The first is Lyn Bay and the Rivers, Creeks, and Bays, between there, and Charles Town. Within these Limits are Some fishing Vessels, and a small few Sloops employed in Carrying Goods to and from Boston.

Charles Town, has some foreign Trade, but being Situated so near Boston it may in Matters of Commerce be Reckoned as part of it, and as such we considered it in Our Account of the Trade of that place.

Boston has been mentioned before.

Milton, Braintree, Weymouth and Nantasket. Some fishing Vessels belong to these places, Also several Small Sloops employed in Carrying Firewood and Provisions to Boston.

Hingham. At this place there are two or three Vessels that go to the West Indies and Enter and Clear at Boston. But the Chief business Carried on here is Fishing, and Supplying Boston with Firewood, and Provisions, which Employs a considerable Number of Small Vessels.

Cohasset and Scituate. To these places there belongs a great Number of Boats and Small Vessels, Employed (during the Season) in Catching Mackrel, and Supplying the Markets at Boston with fresh fish.

Marshfield (including North River and Green Harbour). To this Town there belongs Seven or Eight Vessels employed in Carrying Lumber and Firewood, from the Eastern parts of this province to Boston And in the Whale Fishery.

Plymouth. There are Six Topsail Vessels belonging to this Town employed in the Fish and Lumber Trade to Europe and the West Indies, and a Schooner and three Sloops of about Seventy Tuns each employed in Coasting, And the Whale Fishery, With

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not build ships at that rate. So they remain'd idle. What are the Manufactures which will bear wages at the rate of 3*s* a day for handicraft labor?" — *Bernard to Hillsborough,* May 21, 1768, in Bernard Papers (Letter Books), V, 299–300.

four Small Sloops that carry Lumber, Firewood, Fish, etc., to Boston. Also about forty sail of fishing Schooners from Thirty to Fifty Tuns each, These make two or three trips a Year to the Banks of Newfoundland; And in the fall or Winter a few of them, perhaps Eight or Ten make each a Voyage to Connecticut, North Carolina, or some other of the Western Colonies, for Pork, Corn, and other Provisions for the Fishery; To purchase which they Carry out Rum, Molasses, and European Manufactures, with some Iron made there. The above is the whole of the Trade and Navigation of the Town of Plymouth, to which may be added, that there are in the Town, Two Distill houses, and one Forge, for making Barr Iron, the last very inconsiderable.

THERE resides in this Town a person in Character of an Officer of the Customs, appointed by the Surveyor General in the Year 1765, under the Denomination of Deputy Collector of the Port of Boston, who Acts there as Such, and Clears out Vessels to all parts, as well those bound to Europe, and the West Indies as those employed in Coasting.

THERE are two other Towns lying on Plymouth Bay Where Some Trade is Carried on vizt:

KINGSTON (including JONES'S RIVER). To these places there belong Two whaling Sloops of about Seventy Tuns each, And Eight Fishing Schooners, Two or three of which usually make a Trip in the Winter Season to the Western Colonies for Pork and Corn, and Sometimes one of them makes a Voyage to the West Indies, there are also Two Small Sloops employed in carrying Firewood to Boston.

DUXBOROUGH. The Navigation here consists of Two Whaling Sloops of about Seventy Tuns each, and Three small Coasters. There are Several Creeks in this Township, vizt. Island Creek, Powder Point, Duck Hill and Bourn's Landing, which are frequented by Small Vessels that carry Firewood and Lumber to Boston.

The Country hereabouts is in general very poor and produces nothing but what is consumed amongst the Inhabitants, Except Firewood Ship Timber, and some Barr Iron with a small Quantity of Potash.

SANDWICH is the next Harbour to the Southward of Plymouth. To this Town belongs Four Sloops and a Schooner Employed in the Whale Fishery. And two or three small Coasting Sloops.

BARNSTAPLE has much the same Number of Vessels belonging to it, and employed in the same Manner as at Sandwich.

YARMOUTH, HARWICH, EASTHAM, TRURO and PROVINCE TOWN.

To these Towns there belong a few Small Vessels employed in the Cod and Whale Fishery, but none that go abroad on Foreign Voyages. Passing round Cape Cod (to the Southward and Westward) along the Shore next the Ocean between the Cape and Falmouth are Several small Creeks, Rivers and Bays, frequented only by Fishermen and little Coasting Vessels; All that long extent being a Narrow Neck of Sandy land that produces little or nothing for Exportation.

Falmouth. To this place there belongs Six or Seven Vessels employed in the Whale Fishery.

Woods Hole is much frequented by Coasters as a Harbour in case of Contrary Winds; the Channel (going over the Shoals) passing close by it. 'Tis also the place where people bound to Nantucket and Marthas Vineyard commonly embark: There are Seven or Eight Whale Sloops belonging to this Harbour and a few Small Vessels employed in Carrying Firewood to Rhode Island and Nantucket. Buzzards Bay has some Creeks and small Rivers that empty themselves into it, but the Navigation of the Bay is so dangerous that there are only a few Wood boats belonging to it. To the Westward of Buzzard Bay lies

Wareham and Rochester. To which there belongs Three or Four Whaling Sloops, and about the same Number of Coasters, employed in Carrying Firewood and Lumber to Rhode Island and Nantucket. To the Westward of Rochester is

Dartmouth, which joins to the Rhode Island Boundary Line. This Town was formerly on a Level with it's Neighbours, in respect to its Trade and Navigation, but of late Years, some people from Nantucket have removed thither, and introduced a very large Whale Fishery, which is in a thriving State, and already grown so considerable as to enable them to load Vessels for England. A Brigantine belonging to Dartmouth cleared out here for London last Fall, and will probably return with a Cargo of Dry Goods. To this Town there belongs the Brign. abovementioned, Forty Whale Sloops and Six or Seven Coasters Chiefly employed in fetching Lumber from the Eastward. In the fall of the Year some of the whale sloops are fitted out to the West Indies and the Western Colonies. Six Sail went on such Voyages this Winter, they clear out either at Boston or Rhode Island.

Having now taken a View of the whole Sea Coast of the Mainland as far as the Western Boundary of the District, we next proceed to the Islands beginning at Elizabeths Islands. These are four or five Small Islands, lying S. W. from the East point of Buzzards Bay: On which there are three harbours (vizt Tarpaulin Cove, Quicks Hole, And Robinsons Hole) much frequented

by Coasting Vessels, in Case of hard Gales, and Contrary Winds. A few whaling Vessels belong to these Harbours, and Some Coasters employed in Carrying their produce to Market At Rhode Island, Nantucket and Boston.

MARTHAS VINEYARD. This is a fine large Island, and has several good Harbours, of which Holmes Hole, and Old Town Harbour are most frequented by Vessels going over the Shoals. There is not much Trade carried on here, the whole Navigation of the Island being about Ten or Twelve Sail of Vessels that go a Whaling during the Summer Season, and in the Winter are employed in Coasting Or in Voyages to the Western Colonies.

NANTUCKET. This is a low Sandy Island, much smaller than Marthas Vineyard, Situated Among Shoals, and the Soil Naturally so barren, that a Tree will scarcely grow upon it: And yet by the Industry and frugality of its Inhabitants and a Steady pursuit of the whale Fishery it is now become Rich and populous. Formerly Whale Fishing was carried on in Small row-Boats, but after some Years, the Whales being disturbed in their Usual haunts, Near the Shore, kept further off along the Edge of the Banks, And in order to follow them thither, the Whalers were obliged to make use of small Sloops that were just big enough to Carry two boats each, In which Manner the Fishery was managed for many years; till at last by such Continual Annoyance, the whales were drove quite off into the Ocean: On which Account it became necessary to employ larger Vessells in the business, So that this Fishery is now carried on for the most part in Sloops and Schooners of 70 to 90 Tuns Burthen: And in these they Cruize in almost all parts of the Atlantic Ocean. At this time there are about 140 such Vessels belonging to Nantucket, besides Five Topsail Vessels employed Occasionally in Voyages to Europe and the West Indies. So amazingly is the Navigation of this Island increased from such a small beginning as a few open rowboats. There is but very little Cod fishing carried on here. Three or Four Small Vessels being all that are employed in that way, and what Fish they catch is on the Neighbouring Banks, Seldom or never going to the Banks of Newfoundland.

Two or Three Vessels have of late been employed in the West India Trade. And in the Fall of the Year Some of the Whalemen are sent on Voyages to the Western Colonies and Some to Casco Bay for Lumber. BUT there are no Vessels wholly employed as Coasters, Nor Indeed is there much Occasion; All the other Colonies being very ready, for the Sake of their Dollars and Oil, to carry thither and sell very cheap every kind of produce they stand in need of.

The Trade of this Island has for three or four years past been under the Inspection of a person (Mr. Folger) who was appointed by the late Surveyor General under the Denomination of Searcher and Preventive Officer, of which More hereafter.

The next paragraph in Your Honours Letter is as follows:

3d. Besides the Directions with regard to the Officers at your Port, given in Our general Letter of the 10th. Ulto. You are to express by what authority they Act, their Salaries, and when they were appointed; And you are to Suggest Whether it may be proper to alter the Stations of any of the Officers, Or to appoint others in any part within the District of your Port, And you are to give us immediate Notice of the Death or Incapacity of any Officer, and to Observe that no Officer is to absent himself from his Duty without Our permission first Obtained.

The Officers of this Port may be divided into three different Classes: Those on the Plantation establishment, Who act by deputation from the Commissioners of the Customs; Those appointed by Deputation from the Surveyor General; And Those who are employed by the Collector and Comptroller to act Occasionally as Waiters and Boatmen.

Of the first sort are the collector, the Comptroller, the Surveyor and Searcher, and the Tide Surveyor. Of the Second are four Port Waiters Two of whom are also appointed Weighers and Gaugers. And of the third Sort are Eight Able bodied Men, who are employed as Tidesmen and Boatmen Occasionally, As Vessels with dutiable goods on board, may happen to arrive. Of all of which we shall give Your Honours the best information we can collect, from the first Establishement of each Office, to the beginning of this present year. (January, 1768.)

A Collector for the Port of Boston distinct from the Rest of New England was first established in the year 1707. And Mr. [John] Jekyll then appointed to that Office; Who was succeeded by his Son in 1733. The next Collector was Mr. Frankland, afterwards Sir Henry Frankland, who was appointed in 1741. And on his being made Consul at Lisbon was Succeeded by Mr. Barrons in 1759, who was dismissed in 1762, and Mr. Hale appointed in his stead. Mr. Hale was succeeded by the present Collector Joseph Harrison, Who was appointed by Deputation from the Commissioners of Customs dated July 11th, 1766, was Sworn in the 28th October and entered on the Execution of his Office the 1st of Novemr. the same Year. His Sallary by Warrant from the Treasury agreeable to the Old Establishment is £100 per ann.

A COMPTROLLER Seems to be of equal Standing with the Collector, as we find, that Dispatches were signed both by the Collector and Comptroller in the year 1707. And then being upon Record (but without Date) a Copy of an old Establishment for the Northern District of America (annexed to a Set of Instructions to the Collector from the Commissrs. of the Customs, and which from Circumstances appears to have been Received about the year 1716) Thomas Newton is therein mentioned as Comptroller of the Port of Boston at a Salary of £70. Mr. Newton was Succeeded by Mr. Lambart in 1721 who was Succeeded by Mr. Ware in 1750. On Mr. Ware's Resignation the present Comptroller Benj. Hallowell, Junr. was Appointed by Deputation from the Commissrs. of the Customs dated 9th of March, 1764, and was Sworn in the 18th of July the Same Year. His Salary (agreeable to the Old Establishment) is £70 per ann.

A SEARCHER AND SURVEYOR. The first mention We find of this Office is in a Letter from Mr. Birchfield, the Surveyor General, to Genl. Nicholson dated Novr. 4th, 1713, Wherein he says that he had Ordered One Mr. Davis, then an Officer of the Customs at New York, to be Removed to Boston and to Act there as Searcher and Surveyor: But Whether or no this Appointment then took Effect does not appear, and about two years after we find one Archibald Cummings acting in that capacity, and in the aforesaid old Establishment, He is mentioned as Searcher and Surveyor at a Salary of £100 per annum. The next after Mr. Cummings was Mr. Pew, who in 1752 was Succeeded by Mr. Paxton, to whom Succeeded the present Searcher and Surveyor, George Lyde, who was appointed by a Deputation from the Commissioners of the Customs at Boston Dated the [ ] day of December, 1767. His Salary £100 per ann. as in the Old Establishment.

A TIDE SURVEYOR. The first Establishment of this Office was when the Act of the 6th of Geo: 2d. imposing Duties on Foreign Rum, Sugar and Molasses, took place in 1734. On which occasion Mr. Blackburn was appointed by the Surveyor General and confirmed the Year after by the Commissioners of the Customs, Who in a letter to the Collector dated June 1st, 1735, Says that they had granted a Deputation for Tide Surveyor to John Blackburn, and Ordering that £50 per ann. for himself, And £20 per ann. each for two Boatmen, be paid to the said Blackburn out of the duties on foreign Rum Sugar and Molasses. In 1740 Mr. Brazier succeeded to Mr. Blackburn, And on Mr. Brazier's decease, the present Tide Surveyor James Hill was appointed by a Deputation from the Commissioners of the Customs dated 22 March, 1749,

And Sworn in the 5th June 1750. And a Salary of £50 per ann. has been paid him from that time out of the duties on foreign Rum Sugar and Mollasses.

WAITERS. Two Officers under the Denomination of Waiters, Searchers or Boatmen were on the Establishment of this Port, long before Boston was made a seperate District from the rest of New England. For we find it mentioned in a Letter from the Collector and Comptroller to the Commissioners of the Customs dated 16 March, 1708, that "Wm. Hill and Henry Franklyn, the Searchers or Waiters for this port, have been in Office ever since Mr. Randolph was Collector; Mr. Hill came over with him, being sent by the Commissioners. And Franklyn was employed by Mr. Brenton (the last Collector of all New England) at his first coming: They have all along been paid their Salaries of £25 per annum each, which I hope your Honours will still continue." However by other Letters it seems that about this time the payment of their Salaries in England was Stoped and they were ordered to be paid here; as appears by the following Extract of a Letter from the Commissrs. of the Customs to the Collector dated 16th August, 1713: "Mr. Birchfield (the Surveyor Genl.) having informed us that there has been Two Boatmen constantly employed in Her Majesty's Service at Your Port after the Rate of £25 per ann. each. We hereby consent to the placing the Charge thereof, for the time they have actually been in Service to your Account of Incidents." In Consequence of this Order We find by the Accounts of Incidents, that from that time, Two persons under the Denomination of Waiters or Boatmen have been constantly paid Salaries at the Rate of £25 per ann. Either out of the Enumerated and New Duties, or the Fines and Forfeitures. The officers at present on this Establishment are, Ambrose Vincent and Lewis Turner: Who act as Landwaiters and are Appointed by Deputation from the Surveyor General. These two Waiters not being sufficient for the business of the Port, Two others were appointed for the year 1762 by the Surveyor General with Salaries of £20 per ann., each payable out of the New Duties which afterwards increased to £25 per ann. And they have been regularly paid from that time: Christr. Minot and Mr. Sheaffe are the present Officers on this Establishment.

WEIGHER AND GAUGER. In the Year 1763 a Weigher and a Gauger were appointed by the Surveyor General, Which Offices in 1766 were joined to those of the two Waiters above-mentioned, Ambrose Vincent and Lewis Turner, Who have Special Deputations from the Surveyor Genl. for that purpose; Whereby, each

of them are appointed both Weighers and Gaugers. No Salaries are annexed to these Officers, but they are allowed Sixpence per Cask for Weighing, and three pence per Cask for Gauging, Of which they bring in An Account, approved of by the Surveyor General, at the end of every quarter, And We charge it Accordingly in the Account of Incidents.

TIDESMEN. The Duty of this Office is performed by persons Occasionally hired for the purpose, As Vessels with Dutiable Goods aboard happen to arrive, and are paid four Shillings Sterling for each day and night that any of them are employed on Actual Service, there are Eight men of this Sort, that have been sworn to the due Execution of their Office; and who make it their business, to be always ready to attend when ordered upon Duty. The Expense of this Branch of Duty for the year 1767 is £182.4s.

THE foregoing with a Deputy, appointed and paid by the Collector and approved of by the Surveyor Genl., are all the Officers belonging to this Port, who Reside in Boston. Besides which there are two persons appointed by the Surveyor General who are Commonly known by the Name of

PREVENTIVE OFFICERS, Under which Class we shall distinguish those at Nantucket and Plymouth, though we have always objected both to the powers with which they are said to be invested, And the authority by which they Act.

The first Mention We find on Record of any Person officiating in this way, is a Memorandum in the Hand Writing of Mr. Jekyll, the Collector, in the following Words, vizt: "June 21st, 1718. Gave a Commission to Simon Butler, fisherman to be Waiter and searcher in Dukes County and Nantucket County per John Jekyll. Lives at Edgar Town in Marthas Vine Yard." So it seems, that this Simon Butler did not reside at Nantucket, tho' it was under his inspection, but at Marthas Vineyard (which, with Elizabeths Islands is Dukes County). And the first mention We find of any person thus Officiating at Nantucket is one Gardner that had been appointed by Mr. Peagram the Surveyor Genl; Of which Appointment a Complaint had been made to the Commissioners of the Customs, Whose Opinion of it will appear from the following Extract of their Letter to the Collector and Comptroller of Boston, Dated the 16th April, 1740. Mr. Jekyll having Acquainted "us that Mr. Peagram, Your Surveyor Genl., has appointed a Collector, at the Island of Nantucket within your Port, which he apprehends will take away many Advantages from the fair Traders, residing at Boston. And having considered the same, We have given directions to Mr. Peagram to discharge

the said Collector, And acquainted him that he should not appoint any New Officer, without first representing the Case to us, and receiving our Orders thereon."

What was done in Consequence of this Letter does not appear, but it seems that Mr. Gardner about three years after, had resumed the exercise of that very same power which the Commissioners had so positively countermanded, as we find another Complaint against him in the following Letter from Sir H. Frankland the Collector, to Mr. Lechmere, the Surveyor Genl., dated 7th June, 1743: "Sir, As Mr. Ebenezer Gardner has of late taken upon him to Enter and Clear Vessels as Collector for the Port of Nantucket, I think it my duty to Acquaint you with it, As His Majesty's Revenue may be greatly injured, if a Stop is not put to his Acting in that illegal manner, in Entring and clearing Vessels for foreign Ports, which ought to be done at Boston, Of which Nantucket is only a Member, so consequently can be no Port." As to what Steps were taken in consequence of the Second Complaint there is nothing to be found upon Record; But the most probable Account of the Matter seems to be, that after this, instead of a Deputation from the Surveyor Genl. the Collector gave a Power to some person on the Island, as his Deputy, to Inspect Trade and grant dispatches to Fishermen and small Vessels trading Coastways. For we find Recorded a Deputation of that Sort from Mr. Barrons the Collector to the Same Mr. Gardner with the Approbation of the Surveyor Genl. dated 5 Septemr., 1759, in which his powers are conveyed in the following Words vizt: "Do hereby Constitute and appoint Ebenezer Gardner Gentleman to be Deputy Collector and preventive Officer at the Island of Nantucket, and an Assistant to me, in Carrying on the Collection." From this time Mr. Gardner continued to Act by virtue of this Appointment in Entering and Clearing Fishermen And such Coasting Vessels as were employed between there and Boston OR came to the Island with the Necessary Supplies of Provisions etc. for the fishery. Which (besides Watching Contraband trade) seems to have been all that was Necessary OR intended by this Appointment. But in the year 1764 Mr. Folger began to Exercise the same kind of Powers that had been formerly complained of and forbid by the Commissioners of the Customs, of acting as a Collector in Entring and clearing Vessels on Foreign Voyages as well as Coasters and Fishermen, Without any Authority from either the late or present Collector And even contrary both to their's and the Comtrollers Opinion. But as Mr. Temple, the late Surveyor Genl.,

had Notified to us in Writing that Mr. Folger was Deputy and Preventive Officer at Nantucket, we did not then think it proper to enter into any dispute concerning the Affair. Tho' we had no other knowledge of Mr. Folger's Authority or Appointment than what is contained in an Establishment delivered by Mr. Temple to the present Collector soon after his Arrival. There being no such Deputation Recorded in the Custom house books, Nor had there been any Salary paid him.

We have been thus particular in Our Account of this Appointment at Nantucket, As we apprehended it to be an Affair of Consequence, and Worthy of Your Honors Consideration. And if we may be permitted, humbly to offer our Opinion on the Subject, We shall not hesitate to say, That every Encouragement or Indulgence, to any other branch of Trade, than what immediately relates to the Supply of the Fishery, with provisions and other Necessaries, would be detrimental to the real Interest of the Island itself, Injurious to the Revenue, and a Very great damage to the Town of Boston for the following Reasons: 1st. Nantucket being a Settlement or Colony of hardy industrious Fishermen; who by their Skill and Dexterity in Whale fishing, have not only enriched the Island, but furnished some of the most Valuable and beneficial Exports, to the Commerce of this Province with Great Britain: Everything that has the least tendency to divert, or draw off their Attention from that Single Object, the Whale Fishery will, in the end, prove a real detriment to the Inhabitants of the Island in particular, And to the Trade of the Province in General. And that a Trade to Europe and the West Indies will necessarily have such an Effect seems indisputable, as by that means a great part of their Trading Capital will be transferred from the Fishery to these New Branches of Commerce, And consequently the former in time will languish and decay for want of that essential Support, it formerly had, from the plenty of money, for which this Island, used to be so remarkable. AND in the next place, this kind of Trade will have a considerable Effect, in producing a Change in the Manners, Mode of Living and Disposition of the Inhabitants; Who from a race of plain, frugal, hardy Fishermen will, by an intercourse with foreign Countries and the introduction of foreign Superfluities, soon become a luxurious, expensive, inervated people, unable and unwilling to encounter the dangers and fatigues peculiar to the Whale fishery. The rest of all which must be that their ready money will soon be carried off by this Foreign traffic, and the Source from whence it was derived in a great Measure destroyed.

2dly. If any Considerable foreign trade is permitted to be carried on, at this Island, much Smuggling would soon be introduced, except it is guarded with a large, and Consequently very expensive, Establishment of Officers. And tho' some duties might in that Case be collected there, Yet as those duties will arise from Importations, that would otherwise be made at Boston or Rhode Island, the Revenue, instead of being increased, Would be burthened with the Expense of Additional Officers. 3dly. Before the people of Nantucket were indulged with this liberty of sending Vessels directly to foreign Markets, the whole produce of their Fishery used to pass through the hands of the Merchants of Boston, and from thence they were Supplied with all such foreign goods and Manufacturies, as they wanted. This was very beneficial to the Mercht. and no small addition to the Trade of the Town; A considerable decline of which has been sensibly felt, since the people of Nantucket have been permitted to export their own produce, to places abroad; and Supply themselves with foreign Goods, and Manufactures.

Many other Reasons might be given to shew the ill tendency of Countenancing a Foreign Trade at Nantucket, which in Reality is only transferring so much business, from Boston thither, to the detriment of both places and without any Addition to the System of Trade in general.

After this Degression Which we hope Your Honours will excuse We return to finish Our Account of the Preventive Officers belonging to this District; under which Denomination there is another residing at Plymouth. This Appointment was made by Mr. Temple the late Surveyor General, who in 1765 granted a Deputation to Edward Winslow Esqr., as he informs us (for it is not recorded in the Custom house books), under the Name or Title of Deputy Collr. of the Port of Boston, and Preventive Officer, In which Capacity he has cleared out Vessels to Europe, the West Indies and other parts of America and receives Collectors Fees, the same as at Boston, and Mr. Folger does the like at Nantucket. Neither of them have any Salary; but when they oversee the unloading of a Vessel, they are paid Four Shillings Stg. per day for the time they attend.

To what we have before remarked on the Disadvantage that will necessarily arise from an Encouragement of foreign Trade at Nantucket, We beg leave now to add, that such an Indulgence will have just the same Effect on Husbandry, as on Fisheries; For if Vessels are permitted to be entered and Cleared on Foreign Voyages at these Outports; and to load and unload at so many small Harbours and Creeks, the Consequence will be, that almost

every Farmer will turn Merchant, and Neglect the Improvement and Cultivation of his Lands, Which besides being a loss to the public, Commonly terminates in the Ruin of such Adventurers: Connecticut produces many instances of this Sort. BUT with respect to the Revenue, perhaps nothing can be more pernicious than a Foreign Trade so scattered and diffused, which must greatly increase the Opportunity of Smuggling, And as the Trade Carried on from these Outports is chiefly of the Contraband kind, the whole Country will be interested in the Support of it, and of course become Smugglers by profession. There are no other preventive Officers now in this District besides what we have mentioned. Tho' in 1765, there was one Appointed at Charles Town with a Salary of £25 per ann. which was continued but one year.

Having thus compleated Our Account of the Offices and Officers within this District, We next proceed agreeable to Your Honors direction to Offer Our Opinion respecting "Any alterations that may be proper to be made in the Stations of any of the Officers Or the Appointment of Others in any part of the District."

In the first place We would humbly recommend that Four Landwaiters (who may also be made Weighers and Gaugers) be appointed at Boston with such Salaries as may render these Officers respectable, So as to excite Dilligence and good behaviour. That an Active Young man be appointed for an Assistant to the present Tide Surveyor (Mr. Hill). That 12 Tidesmen be appointed with Suitable Salaries and a daily allowance when on duty.

WE also humbly beg leave to Represent to Your Honors that Mr. Sheaffe, who has been a Waiter several Years but also being Deputy to the Collector, has of late been so fully employed by the great increase of business in the Custom-House, as not to have been able to attend the duty of a Waiter. We therefore humbly propose that he may be appointed Deputy Collector on the Establishment with an adequate Salary, besides the Collector's allowance to him. Also that Mr. Minot be appointed a Waiter, with a Suitable Salary, to attend the Collectors Office at all times when required. These are all the Alterations and appointments that we apprehend will be necessary at present here at Boston, and with Respect to the Outports We humbly propose that a Preventive Officer be appointed at Plymouth, who may also be authorised to clear out Fishermen and Coasters. And as Cape Cod Harbour is much frequented by all sorts of Vessels We apprehend a Preventive Officer may very usefully be stationed there. At Nantucket We propose that an Officer be appointed in the same Manner as at Plymouth, And that a Preventive Officer be

stationed at Holmes Hole in Marthas Vineyard Or at Woods hole on the Opposite Shore. And Lastly that another Preventive Officer be Stationed at Dartmouth Who (on Account of the great increase of Trade) may be authorized to clear out Fishermen and Coasters.

These are all the Out Port Officers we would Suggest as necessary at present.

But of all the Expedients to prevent or give a Check to illicit trade we apprehend none would be so Effectual as a Custom-house Smack or Yatch of about 25 Tons, And two Tide Surveyors for this Port, who shall take turns Month and Month to cruize in the Bay, and among the Islands, to Examine all Vessels, And where Necessary to put Tidesmen on board, with whom she may be manned. An Establishment of this sort would give a considerable Check to Smuggling Or at least remove the Scene of it to a much greater distance from Town, and Consequently render it more Chargeable and Hazardous. Before We quit this Subject, We humbly beg leave just to Suggest to Your Honours, Whether it would not tend greatly to the Service of the Revenue, if a Superannuation Establishment was to be introduced here in America, as such a thing would be a great Encouragement to Officers, and Render them less dependent on the Good Will of the people among whom they live.

We shall be mindfull to give Your Honours immediate Notice of the Death or Incapacity of any Officer that may happen. And take care that no Officer is absent without permission from the Board.

The next paragraph of Your Honors Letter is

4th. As we have Reason to apprehend that the Revenue has been greatly defrauded by the Collusion of some remissness of other Officers, we hereby Strictly Charge you to be Vigilant yourselves, And to have a Watchful Eye over such other Officers, or persons, as are, and may be employed in the Service of the Customs, within the district of your Port, And you are immediately to represent to us any Instances of Neglect, Or misconduct, you shall discover in these Officers or persons.

In answer to this We assure Your Honors that we shall be as careful as possible in Watching over the Officers of this District; And shall not fail to Represent to the Board any Instances of Neglect or Misconduct as soon as they shall come to Our knowledge.

5th. You are further to send us a Table properly authenticated of the Several Fees of Office, now paid to each Officer of Your Port, and you

are to express what Fees were received on the 29th Septr., 1764. And for how long a time the same had been taken And by what authority.

WE have hereunto annexed Two Tables of Fees. The first of such Fees as were taken on and before the 29th Septr., 1764. The other of the Fees that are now taken.

It would be very Difficult to give a Circumstantial Account of the Fees that have at different times been taken by the Officers of this Port, For as all Fees were taken in the Currency of the Country And as that Currency was continually depreciating till the year 1749, The Nominal Sums taken for Fees, as well as the Sterling Value, were frequently altered and Changed; Sometimes to the Disadvantage of the Merchant, and sometimes to the Loss of the Officer. But in the Year 1750 (when the present Silver Money Currency took place) Something like a Regular Table of Fees Seems to have been formed, by Agreement between the Collector and some principal Merchants, According to which the Fees have been regulated ever since; And for 13 years before 1764, Were the Same as in Table 1st. mentioned. The other Table, or that of the Fees now taken differs in no other respect from the first, than in proportioning the Comptroller's Fees to the Collector's, Agreeable to the Act of the 5th Geo: 3d. with the Addition of such other dispatches as become necessary by the Acts of Parliament that have taken place since that time.

As to the Authority by which they were taken and paid, We know of no other than Custom, founded on an Agreement between the parties Concerned. For tho' an Act of Assembly of this Province was passed in the year 1716 for regulating Custom house Fees; no regard was ever paid to it; And from the first, was complained of, as injurious and oppressive to the Kings Officers, in which light it was considered by the Commissioners of the Customs, as appears by Several of their Letters wrote about that time.

6th. You are likewise to give us an Account of the Several Staple Commodities produced, And whether any and what Manufactures are carried on within Your district. And you are from time to time to acquaint us what new Commodities are produced, OR New Manufactures begun with the progress made therein respectively.

THE principal Articles of Merchandize raised in this Province and exported from hence are Lumber (comprehending Timber, plank, and Boards with Staves Hoops and Heading) to which may be added Masts, Yards and Bowsprits.

Fish both dried and pickled, Whale Oil and Bone Potash and Pearl Ash. These may properly be called the Staple Commodities of New England as being more particularly it's produce, and on which its Trade Chiefly depends. But there are many other Articles shipped off, from hence, Which are the produce of this in Common with the other Western Colonies, Such as Salt Beef and Pork, Horses, Cattle and other Live Stock, Flax Seeds, Furrs, Cyder, Tobacco, Cheese and Butter, Hops, Beese Wax and Myrtle Wax.

The Several Articles Manufactured here, of which some part is exported to other Colonies, are the following, vizt: Rum, and other distilled Spirits, Loaf Sugar and Chocolate (these from foreign Materials), Candles made of Sperma Caeti, Bees' Wax, Myrtle Wax and Tallow, Soap, Cast Iron Ware, Wrought Iron, such as Axes, Hoes and other Tools, Cabinet Ware, Riding Chaises, Wooden Turned Ware and Coopers' Ware, Earthen Ware of an ordinary Sort, Women's Shoes, Bricks, Snuff, and Cordage, Chiefly for the Fisheries in the Out Ports and the adjoining Colonies.

Besides the foregoing there are many other things made here, wholly consumed by the Inhabitants, but can Scarce with propriety be termed Manufactures, in the Commercial Sense of the Word, such as Woolens and Linnens made in some private families for their own use, Also Some Hats, Shoes, and Boots. Many Sorts of Smith's Work for Ship Building and Utencils for husbandry and the Whale Fishery, With a Variety of Articles for Apparel and other Family uses made by the Tradesmen and Artificers of the Country, who will always make a considerable part of the Inhabitants; where any large Number of people live together in Towns, Especially in a healthful temperate Climate, and in places abounding with provisions, and the Means of cheap Subsistence. At present We can not consider the so much talked of Manufactures of this Country in any other Light than Meerly as a Supply, of such Articles of Domestic Use, as cannot from abroad be so suitably provided, and fitted to each person's humor or Convenience as by Artificers on the Spot, And this Convenience of having things made agreeable to each person's mind or fancy is an inducement to give More for them than the prices at which the same kind of goods imported from Great Britain could be afforded, And so long as this continues to be the Case, the Amount of such goods made here will be but inconsiderable. Nor is it probable during the present State and Circumstances of the Colonies, that any Manufactures can be Carried on in such Quantity or Quality as to be greatly detrimental to those of the

Mother Country, Of which the most interesting and beneficial are those of Wool and Iron.

As to the first, there seems to be some Natural impediments which no Art or Industry can remove, that will ever render it impossible for this Country to produce a Sufficient Quantity of Wool, for that purpose. The Severity and long Continuance of the Winters in this and the other Northern Colonies will of itself be an insurmountable obstacle to the Raising and Maintaining of Sheep, in such Numbers as will be necessary for the Supply of a Woolen Manufacture, for as the ground is generally covered with Snow, and all Vegitation at a stand from the beginning of November to the Middle or latter end of April (a space of above five Months) Sheep, as well as other Cattle must during that long, dreary, Season, be supported and fed with Hay, or other Artificial fodder, the Labour and Expence that must necessarily attend a Competent provision of which, will always Render the produce of Wool in large Quantities impracticable; especially as the Meadow Grounds bear a very small proportion to the Mountaneous Rocky Lands of this Country. But there is another Obstacle still more difficult to be Surmounted than the hard Winters, and that is the Summer droughts, to which almost all this Northern Continent is Remarkably Subject, And to such a degree, that scarce a blade of Green grass is then to be seen, either in the Meadows or pasture Lands throughout the greatest part of this and the Neighboring Colonies: And what is yet more Discouraging, the Return of these dry Seasons is become more frequent as the face of the Country is cleared from the Woods. That this contributes not a little to these Summer Droughts, appears probable from a Well known fact here, which is, that in many places where Mills had been erected on Small Brooks and Rivulets, that for many years supplied a Sufficiency of Water for the purpose; those Brooks and Rivulets have decreased so much, since the Woods were cut down that Several Such Mills have thereby been rendered quite useless, And in some instances the Streams on which they were situated entirely dried up. Now suppose One of these Droughts should happen but once in Five or Six years, the Farmer must have by him in the Spring of the Year as much fodder as will Serve for 10 or 12 Months, OR he will lose the greatest part of his Stock; Which is frequently the case even now, tho' the Quantity of Sheep, is so small that the whole produce of Wool, according to an Estimate that has been made by some speculative Gentlemen of our Acquaintance, would not be sufficient to make two pair of Stockings per ann. for each Inhabitant

of the Country;[5] Nor has the Number of Sheep enlarged in proportion to the increase of people: And it has been Remarked by some judicious Observers of such Matters; that 20, or 30, years ago there were more people to be seen cloathed in what they call homespun, than there appears to be at this time, Notwithstanding all the Noise that has been made about the great Increase and Improvement of their Woolen Manufactures.

Many other Reasons might be given to demonstrate that a Woolen Manufacture is impracticable in these Colonies; And if the good people of England did but know the Real Circumstances of the Country respecting it, they would be quite easy in their apprehensions of any Rivalship from that Quarter. The Species of Such Woolen Goods, as they make here on Cloths Druggets, Duroys, Serges, Camblets, Flannels, Blankets, Rugs, with Some Calamancoes and Tammies; But they are of an ordinary Quality and the Quantity is very inconsiderable, when compared with the whole consumption of the Country. We intended to have given your Honours a More Circumstantial Account of this and of all the other Manufactures that have been carried on in this Province, especially those of Iron and Linnen, And to have pointed out in what particulars the Nature of the Soil, Climate, etc., will be favourable or unfavorable to each of them, With our Conjectures of what may be the probable Event of any Attempts made here to encourage or extend them. But what we have already said on this Subject, has swelled Our Letter, beyond the bounds we at first intended: Therefore We shall defer the further Consideration of these Matters to another opportunity.

7th. If you shall know or be informed of any practices contrary to the intentions of the Acts of the 10. and 11. Ch. 10th Sect 19th. And the 5th Geo: 2d Ch: 22d. Sect 1st. 4th. 7th. and 8th. Also the Act of the 9th. Geo. 2d. Ch. 37th. Sect: 4th. And the 19th Geo: 2d. Ch: 27. You are to Acquaint us therewith, And you are strictly to Observe the Directions of the said Acts to use Your Utmost Vigilance in Carrying the Intentions of them into Execution.

We shall always be mindful, Strictly to Observe the directions of the above enumerated Acts of Parliament, And exert our best endeavours to Carry the intention of them into Execution. And We shall inform Your Honors, whenever we hear of any practices, either in Open Violation, or pending to defeat, the true intent and meaning of them.

[5] "All the Wool in the Province would not make 2 pair of Stockings a year for each Person" — *Bernard to Shelburne,* March 21, 1768, in "Bernard Papers." (Letter Books), v. 292.

AND on this Occasion We beg leave to Suggest to Your Honors a Difficulty that Seems to Arise from a Clause in the Act of the 5th Geo: 2d. for preventing the Exportation of Hats out of any of His Majesty's Colonies in America, And from thence exported to foreign Markets which were heretofore Supplied from Great Britain, etc.

Wherefore for preventing the said ill practices for the future, and for promoting and encouraging the Trade of making Hats in Great Britain, Be it Enacted, etc. That from and after the 29th of Septemr., 1732, No Hats or Felts whatsoever, dyed or Undyed, finished or Unfinished, shall be Shipped, loaden, or put on board, Any Ship or Vessel in any place or parts within any of the British Plantations, Upon any pretence whatsoever, by any person or persons whatsoever; And also that no Hatts or Felts either dyed or undyed, finished or Unfinished, Shall be loaden upon any horse, Cart or other Carriage, to the intent or purpose, to be exported, transported, Shipped off, Carried or Conveyed, Out of any of the said British Plantations, to any other of the British Plantations or to any other place whatsoever, by any person or persons whatsoever.

Now tho' 'tis very plain and evident that the true intent and Meaning of this Act, is to prevent the Export and Circulation of Hatts made in the Colonies only; Yet by the Words of it, All Hatts imported from Great Britain seem likewise to be included in the prohibition; And yet it would be absurd to suppose any Such intention in the Act, Which was avowedly made for promoting and Encouraging the Trade of making Hatts in Great Britain. But if British-made Hatts are supposed to be comprehended in said prohibition, it would Render the Vending and disposal of them in the Colonies impossible, as in that Case such Hatts could not be transported or Conveyed either by Land or Water from the Place of Importation to any other Town or place whatsoever, Nay in Strictness of the words, even not from the Wharf where they are landed, to the Merchants' Warehouse. Under these Circumstances Very few Hatts would be imported from Great Britain, Nor could the Inhabitants be any otherwise Supplied with that Commodity than by establishing a Manufacture of Hats in ever Town and Village throughout all the Colonies, Which is the very thing this Act is intended to prevent and discourage. On these Considerations we apprehend that it is the true intent and meaning of this Act, that the Prohibitions therein contained, are designed for Hatts, of the Manufacture of the Colonies only: And not to prevent the Exportation of Hats manufactured in Great Britain, On Due Prooff being made of their

legal importation from thence. In Consequence of what has been premised We humbly beg leave to Suggest to Your Honors Whether it would not be proper to recommend an Explanation of the said Act of the 5th Geo: 2d when any future Bill respecting the Trade of America may happen to be depending in Parliament that all doubts and Scruples relating thereto may be fully obviated.

8th. You are to Mention Whether you have Received the Act of the 7th of his present Majesty Chap: 46th. the Directions of which you are Strictly to Observe, and particularly if you are not already furnished with Writs of Assistants, You are to apply by Letter for such Writs to the Justice or Justices of the Supreme Court of Your Province or Colony, Who are empowered by the said Act to grant the same.

We have Received the Act of the 7th of his present Majesty abovementioned and shall Strictly observe the directions therein Contained, And we have also been furnished With Writs of Assistants on Application made by Letter to the Justices of the Superior Court of this province.

9th. You are to be very Careful When you Make out your Quarterly Accounts to Charge your Incidental Expenses under that Branch of the Duties Where the same Accrued: And when you transmit your preparatory Account of Incidents for our further Orders, You are to take Notice that where any Charges are made, said to be by any former Authority, You are to send therewith a Copy of such Authority for our Consideration.

We shall be punctual in Our Compliance with the Directions contained in the foregoing Paragraph of Your Honors Letter in every instance and particular.

To Conclude, When anything Occurs that We judge may be Worthy of Your Honors Notice We shall be mindfull to represent the same in order for Your Consideration.

Josh. Harrison *Collr.*
Benjn. Hallowell *Comptr.*

Custom House, Boston, 30th. April, 1768.

ESTABLISHMENT of the Officers of His Majestys Customs in the Northern District on the Continent of America 1716.

Caleb Heathcot Esqr. Surveyor General of the Northern part of the Continent of America vizt. East and West Jersey; New York, Connecticut, Rhode Island, New England, New Hampshire; Nova Scotia and Newfoundland

		£	s.	d.
	Twenty Shillings p diem for himself £365 —			
	For a Clerk . . . . . 50 —			
	For a Boat and 4 Boatmen . . . . 80 —	495	"	"
	EAST JERSEY			
Perth Amboy	Thomas Farmer . . . Collector	40	"	"
	WEST JERSEY			
Burlington	John Rolfe Collector (to reside at Cohanzey)	40	"	"
	NEW YORK			
	Thomas Byerly Collector	55	"	"
	William Carter Comptroller.	55	"	"
	NEW ENGLAND			
Boston	John Jekyll Collector	100	"	"
	Thomas Newton Comptroller	70	"	"
	Archibald Cummings Searcher and Surveyor	100	"	"
Piscataqua	Robert Armstrong Collector and Surveyor	100	"	"
Salem and Marblehead	Charles Blechynden Collector and Surveyor.	100	"	"
Rhode Island	Nathl. Kay, Collector and Surveyor . . .	100	"	"
	NEWFOUNDLAND			
	Officers of His Majesty's Customs in the Northern District of the Continent of America; Not on the Establishment, but paid by Incidents.			
	NOVA SCOTIA			
Annapolis Royal	Hibbert Newton Collector and Surveyor .	60	"	"
	WEST JERSEY			
Burlington	Jeremiah Bass Collr. and Preventive Officer	30	"	"
	NEW YORK			
	William Davis . . . Surveyor and Searcher	60	"	"
	William Chambers . Landwaiter	50	"	"

A TABLE of Fees taken by the Officers of the Customs at Boston, since the 29th Septr. 1764

For what Service	Collector			Comptroller			Surveyor and Searcher			Waiters			Total		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Entering from New York So-ward, West Indies Quebec, Africa and Europe		7	6		2	6		1	10½		1	1½		13	
Clearing Ditto and Newfoundland		7	6		2	6		1	10½		1	1½		13	
Entry from Connecticut Rhode Island Nova Scotia and Newfoundland		4	6		1	6		1	1½			9		7	10½
Clearing to Ditto except Newfoundland		4	6		1	6		1	1½			9		7	10½
Bill of Health		3				9								3	9
Permit to unload from a Foreign Voyage		4	6		1	6								6	
Ditto from Connecticut Rhode Island Nova Scotia and Newfoundland		2	3			9								3	
Ditto to Load		2	3			9								3	
Certificate unlading enumerated Goods		1	6			9								2	3
Ditto for Tea Wrought Silks etc.		1	6			6								2	
Ditto for Manufacture of Potash		1	6			9								2	3
Ditto for Bounty on Naval Stores		2	3				Govr.	2	3					4	6
Ditto for Ditto on Lumber		2	3				Govr.	2	3					4	6
Entring or Clearing a Coaster		1				6								1	6
Cocket		1				6								1	6
Bill of Store		1				6								1	6
Bond for Iron and Lumber			8			4								1	
Ditto non Enumerated Goods			8			4								1	
Certificate landing Iron or Lumber			6			3									9
Ditto Non Enumerated Goods			6			3									9
Certificate of Isle of Man Bond			6			3									9
Register		6													6
Indorsing a Register		1	6											1	6
Recording Ditto		1	6											1	6

A Letter of Israel Stoughton, 1635.

Mr. G. Andrews Moriarty courteously supplies the Society with a letter from Israel Stoughton which was communicated to the Society in January, 1861 (1 *Proceedings*, v. 134), but variations in text justify a repetition. Mr. Moriarty adds the following comment upon it:

"For nearly a century the 'filial piety' of the Winthrop family and a certain school of local historians have been engaged in building up what might be styled the 'Winthrop myth.' In this the early governor of Massachusetts-Bay figures as a person of almost superhuman excellence. Like most historical myths this has come to have a solidity difficult to shake, and the more so as it is constantly supported by the devotion of descendants and conservative writers of history.

"Much has been found recently in English archives through scientific historical research to raise doubts on certain aspects of the picture presented of the governor and to represent him as far more human and therefore more interesting as a man. He had his weaknesses and resorted to methods to gain an end that seem strangely inconsistent with the character we are asked to give him. In fact modern research shows that apart from the *ex parte* statements in his *History* little is really known about Winthrop and his associates, and further information must be sought not in the records on Beacon Hill but as far away as those in the Public Record Office, London.

"As an example this document will serve. It was brought to my attention last winter by my friend, Mrs. Rose-Troup of Ottery St. Mary, who is writing the life of Rev. John White of Dorchester, the patriarch of the Massachusetts plantation. Its importance at once struck me and at my request Mrs. Rose-Troup prepared a few words of introduction, as follows:"

This letter was sent by Israel Stoughton to his brother, Dr. John Stoughton, Rector of St. Mary Aldermanbury, who in 1635 was before the Court of High Commission in company with the Rev. John White, the "Patriarch of Dorchester and the Founder of Massachusetts," charged with collecting money for a fund known

as the "Puritan Purse," to be used for schismatical purposes. To find incriminating evidence Dr. Stoughton's study was searched. Among the documents discovered were: "A Form of Project for settling the profession of the Gospel of Christ in New England," "A Digest of an ecclesiastical Government for the Church of New England," and this letter, which throws considerable light on the constitutional history of the Commonwealth and should be compared with the statement of the course of events in Winthrop's *History* and in the *Massachusetts Records*.

From the date of its incorporation the Massachusetts-Bay Company contained a considerable body of adventurers who were determined that the Charter should be carried out to the veriest jot and tittle, and another set who agreed to this only when it fell in with their own convenience. Within a month after taking their oaths of office, the leaders of the "*Un*constitutional Party" were pulled up short for having appointed Endecott governor of the Plantation instead of electing him; thereupon the matter was made regular by nominating two candidates and voting "by the erection of hands." Winthrop's election on October 20, 1629, was not in accordance with the Charter nor was his tenure of office for a year and a half.

The first action taken by the Government when established in New England was illegal; at the first General Court, there were present seven Assistants and Endecott, a patentee; Winthrop distinctly states that he remembered no other freemen in the colony besides the Magistrates, *i.e.*, Assistants. This Court decreed October 30, 1630, that freemen should only be entitled to elect Assistants and the latter were to elect the Governor. At a Court of Assistants in March following it was ordered that the majority of Assistants who should chance to be upon the Plantation would be sufficient to form a quorum, though the Charter laid down that seven at least must be present. The freemen were thus deprived of their rights expressed in the Charter nor were any new Assistants appointed until the reforms were made in May, 1634.

However, the Constitutionalists in some measure prevailed with the help of some of the 116 freemen admitted in May, 1631; Winthrop is expressly stated to have been elected Governor "by the generall consent of the Court, *according to the meaning of the pattent*,"[1] and the order concerning the election of the Governor by the Assistants was "explained" away. But another order was passed at this Court: *in future* none but church members could become freemen. Already several who never became church

[1] *Records*, I. 87.

members had been admitted freemen. This restriction was a distinct violation of the Charter, being repugnant to the laws of England.

Attention must be called to a discrepancy between the *Records* and Winthrop's statement. The latter informs us on May 1, 1632, that certain people intended to "desire that the governour might be chosen by the whole court and not by the assistants only," [2] speaking as if the fact was utterly unknown to the body of Assistants a whole year after the above entry in the *Records*. Under May 8 he mentions the reversal at that Court of the decision "at our first coming," that the Assistants alone should choose the Governor; the *Records* give this in the year before. Winthrop enters at the same time that: "Every town was to choose two men to be at the next Court, to advise with the Governor and Assistants about the raising of a public stock, so as what they should agree upon should bind all." [3] Savage adds in a note the names of "this embryo of a parliament;" subsequent writers have accepted these as the names of the first members of the House of Representatives. This cannot be, as *the* Deputies did not exist before 1634.

Stoughton notes on his arrival — about 1632, it is conjectured — that arbitrary power, practically of life and death, had been assumed by the Assistants and also that the people were for the most part ignorant of the contents of the Charter. He records that a proposed levy made some "inquisitive" about the Charter and that after viewing it the bulk of the Assistants, at the General Court in May, 1634, were willing "to admit the people to ioyne themselves in the governance of the state, by 3 deputies for each towne" and he was chosen a "committy," as he styles each individual deputy, for Dorchester.

Under April 1, 1634, Winthrop says that, notice having been given of a general court to be holden on 14th May, the freemen deputed two from each town to meet and consider of such matters as they were to take order in at the same general court; these desired a sight of the patent and repaired to the Governor to advise with him about it. In substance he told them that the Patent did not contemplate so large a body of freemen [numbering then about two hundred] and that even the appointment of deputies was as yet impossible, as there were not enough persons competent; but they might appoint a certain number who, *upon summons of the governour,* might revise and reform laws but not make new ones and might air their grievances.[4] At the following

[2] *History,* I. 88. [3] *Ib.,* 90, 91. [4] *History,* I. 152.

General Court, May 14, it was agreed that at one general court the whole body of freemen should elect the magistrates and at the other three general courts "every town should send their deputies, who should assist in making laws, disposing lands, &c."[5] This was the actual beginning of the House of Representatives and it was on this occasion that Stoughton was elected a "committee" and a speaker. Winthrop says that "all things were carried peaceably, notwithstanding that some of the assistants were questioned by the freemen for some errours in their government, and some fines imposed, but remitted again before the court brake up . . . the new governour and the assistants were together entertained at the house of the old governour; as before."[6] For, be it noted, there had been a change in the Chief Magistrate, a most momentous decision, relegated by Winthrop to a marginal note, had been taken, the Governor had been "chosen by papers!" A secret ballot had been instituted and the extraordinary result of the first free election was the deposition of Winthrop and the election of Dudley, with whom the late Governor had become none too friendly. It is amusing to find this comment on the consumption of the banquet prepared for one who had been displaced; the frugal minds in those days of scarcity would have been offended had the food intended for the triumph of one man been wasted because his rival succeeded to his place.

One further comment on these events is needed. Savage would have us believe that this great constitutional change, the establishment of representation by deputies forming a Lower House, was due to the fact "that the assistants were become weary of the exercise of all the powers of government, and desired others to participate in the responsibility. For this, however cautious the language of our author, it appears to me very evidently designed."[7] Nothing, as the letters show, could be further from the truth.

Attention must be called to Stoughton's comments on the "Negative Voat," and the account of the methods adopted by Winthrop to silence a critic. The Governor, it appears, was of the same opinion still, even when the comma had been inserted, though the Assistants could not read into it the meaning he persisted in seeing. The procedure of the Magistrates, who appear to have been in deadly terror of their superior, is not to their credit. The burning of Stoughton's "book" and debarring him from

[5] This is more elaborately expressed in the *Records*, 118, "two or three" deputies to be sent by each town.

[6] *History*, I. 157

[7] *Ib.*, 153*n*.

office for three years was a greater punishment than was inflicted upon young Richard Saltonstall for a somewhat similar offence when the Negative Vote was a burning question in 1644.

All writers will sympathize with the man who was a martyr because of the omission of a comma, but they will rejoice to discover that immediately after the ban was lifted "the country" elected him an Assistant.

ISRAEL STOUGHTON TO JOHN STOUGHTON

Grace and peace be with you and yours in Christ.[8]

DEERE BROTHER

There coming this friend Mr. Patricson (Mr. Cradocks agent here) so happilie in the spring, I thought I would not omit to write a word, and but a word bec[ause] I hope to haue many oportunies more this summer: tho as yet we haue not a ship come nor know not certaynly whither we shall, only we heare of many and hope the best. We are generally in good health: I and my familie haue enjoyd our health I blesse god with very little interruption from the beginning. here are diuers things whereof I would write more fully to you about, but I am willing to waite a while, and shall do it hereafter. It is like you will here of many of them more or lesse there: but I hope god will giue you and others that feare god there wisedome to judge of things wisely: and not beleeve all that is reported with all aggrauations and additions as are vsuall in such cases. 1. Much you will heare I suppose about the crosse in the banners: and many things true: for tis true Capt: Indicot did deface it vpon his owne priuat head: and is now left out of place of gouernment: and his fact publiquely protested agaynst by the greater part of the Country, and the Ministers, and some of the Magistrates too. It is allso true some of the Magistrates with some ministers and diuers of the people do apprehend it an Idoll, vnlawfull to be continued in so honorable a place and time to be abolished: and therefore do strongly incline that way: but tis allso true the greatest part esteeme no such daunger in it: but do desire to informe themselues well in the point and then to be zealous according to knowledge and all iudgment: not being willing to abuse their Christian liberty to licentiousnesse before god: nor yet to a needlesse makeing of frends enimies, or to the prouoaking of those against vs who are willing to lett vs alone.

[8] In the margin is written: "A relation of differences at [Boston] new England."

So that now the truth is this hath bred some euill blood in our body, and I feare will be a greater crosse and more wildly to beare then the former: it hath already caused no little alienation of affection, strife, . . . sensuring on their p[ar]ts who are so zealous for the Crosse its rejection against, and allmost contemning their bretheren that haue not beene so opinionated and affected as themselues and the truth is, if any thing would haue done it, that party that so deeply condemns the simple vse of the Crosse in banners, had ouerborne and Chrushtt the other party tho the bigger most by farr: such was their zeale and potentie: but as yet it is not come to that point for the conclusion is, Councell shall be further taken of God, and the learned wise and godly there with you: and in the meane time there shall be a pause: and if there be any need of banners those that will may vse their old as they are, without any alteration, and the party that did that fact must stand vpon his owne bottom to answer for his attempt. for the greater part of Ministers and Country haue washt their hands of it. Finally for to end this matter: had not Mr. Hooker and the rest of the ministers stept in, and with great strength appeared against the contrary part, it had not beene as it is, and yet I dare say the greater number of the Magistrates are best pleasd that it is thus and no otherwise as well as the people. I forbeare to mention persons and particullar passages, bec[ause] I will giue none offence nor occasion: but I suppose you may informe yourselfe by Mr. Patricson and Mr. Cradock if you shall desire more full relations.

2. Here hath beene somewhat to Doo about a negatiue voyce, for the [greater] [9] Magistrates would that no law nor act of court should be currant and establisht (excepting Choyce of Magistrates) vnlesse the greater Number of Magistrates present do allso approue and consent to it, tho all Country and 3 of 7 of the Magistrates do like and desire it. and they plead the pattent allows them this pouer and some allso haue well likt it: others haue not likt it, and now the greater number by farr I suppose 5 or 10 for one and of the ministers too, are of another mind: I know none that haue read the pattent (excepting Magistrates) that esteeme it their due, but yet many were willing to haue condescended to it at the first, whose minds are now changed. The conclusion of that businesse is, it sleeps in cilence, and is so like: for it is concluded by some that the Magistrates hereafter will neuer aske it: nor the people neuer giue it: but only thus: that whereas Now our courts for making lawes consist of the

[9] This word erased.

body of the Magistrates, and 3 committies chose by euery towne to joyne with them: that there shall be power of suspencion on either party in cases where they agree not, vntill the mind of the whole body of the Country may conueniently be knowne: and then the issue to be on the Major parts side according to the pattent: and so both tumultuousnes, and many mischiefs may be preuented. this was at first proposed and approued by Ministers and country: but not by Magistrates.

3. Here hath not beene a little to do about my selfe, and tho I am vnwilling to make any large relation of my owne things: yet because I know you will heare many things, I dare not omit to write something, both in faithfullnesse to you and myselfe. for I do not know how relations may be made which may much trouble you, vnlesse you haue some certaynty. what therefore I write recon it to be true impartially as you esteeme of me impartiall or otherwise. Take the relation thus

When I came into the Country for one whole yeare after, the gouernment was solely in the hands of the assistants. the people chose them Magistrates, and then they made lawes, disposed lands, raisd monies, punnisht offendours etc. att their discretion: neither did the people know the pattent nor what prerogatiue and liberty they had by the same: But there being some sommes of mony raised: and a speech of more, it made some inquisitiue into matters and particularly after the pattent: about which time Mr. Wenthrop Governor hauing the pattent did giue way to the country vpon their motion to see it, and all the Magistrates (as in charitie I must say) were willing to admitt the people to joyne with themselues in the gouernance of the state, by 3 deputies from each towne. So in May, last yeare [1634] there was a generall court, wherein things were so agitated: In which court I was by our towne chose a committy: and by the committies chose the cheife speaker on the countrys behalfe (there being 3 speakers). and indeed such was their good opinion of me (vnworthy I confesse) that they would haue chose me into an assistant place but that they said they needed noe more there for the present. So that court passed and tho their was a little opposition in one particular case yet all ended in peace with manifestations of great loue and the magistrates good approbation of vs that had in some points opposed and crost them. at least some of boston where Mr. Winthrop dwells.

Then there was a 2d court about august [10] last not for choyce of Magistrates but for makeing lawes etc., where I was allso both a committy and speaker, (as before). In this court were some more

[10] September 3, 1634. Winthrop's *History*, I. 168.

strait passages, and specially about the negatiue voyce, which fell to be my portion much to oppose, tho not alone: In which court time, Mr. Wenthrop, and my selfe had accidentally some priuate discourse about the pattent and the power of assistants and Gou'r: so likewise had one Mr. Ludlow an assistant, and dwelling in Dorchester where I liue: but the conclusion of the court was all peace and loue, and no Manifestations of any thing to the contrary: Nay Mr. Wenthrop hauing somewhat harshly and unaduisedly taken up a young man a Committey, came after in priuate to me, and excused himselfe, and professed to me, that for that young mans part and myne, tho we had much opposed him, yet the more he honored vs both in his very hart: adding that he saw our aymes and ends were good. So that court finist.

then there was agayne a 3d court that yeare, in march last, Cheifly caled about Captayne Indcott his fact about the crosse: where I was agayne a committey, and a speaker but not the cheife, bec[ause] Mr. Bellengum [Bellingham] a great man and a Lawier was then a committy, and he was cheife speaker. Now after I was chose, great probabilitie there was that the negatiue voyce would be questiond. Wherevpon many lay hard vpon me to giue them my reasons in writing why I refused to yeeld it so as they had desired it: which I vtterly refused a good while, till at length 3 men of our Church came to me in the name of Mr. Warhum [Warham] (our Pastor) to entreat it of me, saying that the Ministers were to meet about it, and he much desired my reasons before they mett, and they prest my conscience that I sinned if I refused. Herevpon hauing but now halfe a daies time to do it in, I notwithstanding condiscended and gaue it (it being one sheet of paper) 12 reasons of my refusall to giue them such a negatiue as they challenged. Now no sooner had Mr. Warum the thing, but he (without my priuitie) carries it to the ministers presentes it at their meeting: which for aught I ever heard was well approved by euery man of them. sure I am 4 of them did come to me and giue me large thanks and vplaws for the thing. and Mr. Cotten that had preacht at first for the Magistrates hauing a negative (tho afterwards yeelded to a stopping voyce only, such as before I expressed) desired the pap[er], tooke it home, and finding that some of the reasons to be grounded vpon the pattent, he not well vnderstanding the pattent did (as he profest to me) in the simplicitie of his hart send them to Mr. Winthrop to be resolud in some points of the patten[t] Who as it seems by the sequile tooke such distast at them and me for them that moued him to what follows:

The day of the court com[m]ing (for I knew not a tittle of

ought vntill the minut[e] of time that I was accused) In the morning he possesseth the gouernour with my booke, and soe soone as ever we were mett, All the Country being putt out, saue Magistrates, committeys, and Ministers. The gouernour and some of the Magistrates, charge me for writing a booke against the Magistrates, and for denying them to be Magistrates, and so fell into such bitter tearmes against me as was much, if it had beene prooued, *for Mr. Wenthrop said of me. This is the man that had beene the troubler of Israel, and that I was a worme, (such an one as Mr. Hooker had spoke of in his sermon) and an under-minder* of the state: and yet *saith he, who but Mr. Stoughton in the eie of the country.* And saith he I had from a speciall frend (I suppose it was Dr. Wright) a letter of good report of me, that I was a man worthy of his acquaintance, but I had neuer come at him (wherein I confess I haue been something fayling through shamefastness and a naturall defect that way,) yet I haue beene with him diuers times, and allwaies shewd him great respect, as allso and in truth he had done to me aboue my deserts. But now to the point. they chargd my booke for this and that. One thing was that I should say in it, that I by my fact had freed the state so and so; Now this vtterly denyed, that [I] had not so written and the booke was read, and so read as that did expressly so speake; at which I was amazed and desired to see it my selfe and I confesse there wanted a comma, but that being added they all confessed the sence was quite otherwise, and so were cilenced in that point. and it was so playne without a comma that no man excepted at that till Mr. Wenthrop nor did any make such sence of it but he, and such as he had possest. But then the mayne accusation which they stuck too was that I denyed the Assistants to be Magistrates, and made them but Ministers of Justice etc., which charge I denyed. And affirmed I neuer did deny them to be Magistrates, tho I allso did say they were Ministers of justice and might without dishonour be caled Ministers as well as Magistrates both by the rule of the word Rom. 13 and 2ly the custome of London whose printed oath for all freemen stilles the Aldermen by the terme and title. Thus, The Maiour and all other Ministers of the Citty and so comprehends the Aldermen: [3] and by the rule of the pattent, and with respect to the pattent, and to generall courts Assembled: for I had written thus in that (the reasons against the negatiue) The pattent makes their power Ministeriall according to the greater voat of the generall courts, and not Magisteriall according to the greater voat of the generall courts, and not Magisteriall according to their owne dis-

cression. These were my very expressions. Whereby I intended and ment, that their power call it ministeriall, or magisteriall, or magistraticall (which you will) was not so great that they could do ought, or hinder ought simply according to their owne wills, but they must eie and respect generall courts, which by pattent consist of the whole company of freemen. And this is in very deed the magistrates owne judgment, and the judgment of every man in the land, that hath exprest himselfe, and yet for this my expression they would haue nee to affirme, they were no Magistrates: and these my words should be a proofe of it. Other words they tooke great offence at, but instanct no other but these 2. I confesse there were some others that were very playne English such as to some is offenciue: but I know little reason it should be to any: sure I am It was no other then such as I would allow and most desire from my meanest servant in any cause wherein he hath to deale with me.

But much ado their was, and because it was adjudged by some it would much please and pacifie them if I would desire that it might be burnt, at leangth for peace sake, and to show how little I esteemed ought of myne, I said Let the booke be burnt if it please them, to giue them content I regarded it not. So that business ended, yet so that they caused it to be recorded, that such a thing was burnt as weake and offenciue.[11]

But still they were not pacified towards me, but would haue it be that I denyed them to be magistrates and for the further proofe of that point, Mr. Wenthrop and Mr. Ludlow of whome I spake before, did affirme to the court vpon their credit (without oath) that I had in the time of the last court (before whom I had some conference with them as I told you before about their power and autoritie) sayd to them, That the Assistants were not magistrates. So that tho I had constantly denyd it, and had allso vnknowne to me then, a witness that can upon oath testifie that my words to Mr. Wenthrop did not so import: nor were they any affirmation at all, but meerely thus. In answer to something he had said which was, that Assistants had power simply by their places ouer our persons goods and liues, without any Law of ours. I replyed. What is it so? I had thought your poure had beene so and not so. The same wittness allso being an eare wittness of my words to Mr. Ludlo, and a very wise and godly young man (the same that I spake of before that Mr. Wentrop snibd but after did somewhat recant) he being a brother of our Church, suspecting that Mr. Ludlo had forsworne himselfe (for he was

[11] *Records*, I. 135.

not now a committy to heare) did go in private (before our 2 Ministers, my selfe and an other) to this Mr. Ludlo and begin to deale with him for what he had done, Vntill that he purgd himselfe thus by saying he did not give in his wittnesse vpon oath.

And so the conclusion of the matter was, That I by way of punnishment of that whereof they charged me, must be dissolud for bearing any office within the jurisdiction for 3 yeare.[12] which was by Magistrates and com[m]itteys, that is the major p[ar]t did then conclude that order. which was the mayne businesse of that court in March Last, Captayn Indicots busines being referd to the great generall court of May. but the truth is the greatest part of the committyes did yield thereto meerly to giue the Magistrates content, purposing to reverse it agayne with the first oportunitie. Mr. Bellengam made the same apologie unto me in priuat. And many of the rest that did yeild (for all did not) and that with teares, and one made *publique acknowledgment in open court afterwards that he had sinned and was sory. I should* be too teadious to you *to relate the seuerall priuat passages of Mr. Cottons, of Mr. Hookers, Mr. Wards and other ministers about this businesse, who haue beene maruelously affected to see their dealings, especially Mr. Wenthrops, who* the truth is had too much forgott and ouer shott himselfe, as I heare he hath confessed so much publiquly the Last Court, before all the country in generall, and manifested the particulars to those that were then committeyes priuatly as I haue beene told.

Now followed the Great generall court in May which continued 2 daies for the whole body, and is not yet ended (tho proroged) for Magistrates and committeyes, This Generall court one Mr. Haynes was chosen Gouernour a very Godly man of Mr. Hookers charge. Captayne Indicot is left out partly for his business in the crosse, and partly for other matters. So allso our Mr. Ludlow is now no Magistrate: tho within 6 days before it was most probable and allmost past question that he would be chosen gouernour (for we desire to change yeare by yeare the gouernourship: but the assistants more rarely, yet sometimes least it be esteemed hereditary. Now he is neither gouernour nor assistant, so did divine providence dispose it. And I question whether he will ever be Magistrate more, for many haue taken great offence at him, the causes I forbeare to relate. but they are both wise and godly men that are offended: And not many much sorry.

And to tell you the truth (for it is like you may heare of it from others. Mr. Wenthrop had very many hands agaynst him

[12] *Ib.*, 136.

for being either gouernour (which some attempted) or assistant. The cause, it is like they know best that put in blanks I suppose they were not his enimies, nor none of the most simple. He hath lost much of the vplaws that he hath had (for indeed he was highly magnified) and I heard some say they putt in blanks not simply because they would not haue him a Magistrate, but because they would admonish him thereby to looke a little more circumspectly to himselfe. He is indeed a man of men: but he is but a man: and some say they haue idolized him, and do now confesse their error. My opinion is that god will do him good by some: as allso he hath done good to some by him. And that he is a godly man, and a worthy Magistrate notwithstanding some few passages, at which some haue stumbled.

It may be well reported there (as some haue not spared to speak it here) that those that opposed him, did it *because he was so zealous against the crosse, for he esteemes it a gross idoll:* But tho I be now no statsman, nor do I medle with those affayres, yet thus much I can vpon my credit and by intimations I haue receiued informe you, that that was not att all the cause. for others were not so dealt by that were as zealous as he: (Neither was his doings about me the only cause: tho possibly that might a little further it tho I cannot say so expresly) but there was some other passages that haue beene done by him, which being obserued haue made some willing to admonish him in that manner whilst they do not well know how to do it in a more conuenient manner. But such is my opinion of the man, that some might more conueniently haue delt with him in a more playne fashion, if they haue any greevance. I say some might. I do not say all.

This Court Capt. Indicots business was transacted by the whole country, and after some strong and hard labour brought to the issue forementioned. Wherein the ministers did their parts as good midwifes, or ells it woold not haue beene altogether so as it is.

This court allso it was intended my business should haue beene transacted by the whole body with a generall vote before the day, that they would doe about it great matters, I that they would, said committeyes, and most in generall: but Capt: Indicotts business proued so tiresome and teadious, that their spirits and strength was spent and tho there was petition made by the towne (for my part I sitt downe in cilence and desire with my whole soule that no more stirr may be about it, I looke up to him that knoweth all things to whome my selfe and all men must one day giue account and receiue wages according as our workes haue beene) that I should haue the yntirpretation of my owne words.

which was in part granted and I was caled: but because I did not giue them so full satisfaction as some desired the thing rests yet as it did: only it is said by some it shall be agitated by the Magistrates and Committeys at their next sitting. for the words whereof they charged me I can make no interpretation of them: bec[ause] I cannot say I ever vttered such words: but for my reall opinion about the Assistants reall power I spake in publike court as much and more then ever I spake before, and it was all accepted and taken well without contradiction.

But as I haue beene informed since something they would haue from me before they blotted out that order (which was the thing petitioned for by the towne to haue it blotted out and not to stand to posteritie to defame me as if I had held some annababtisticall opinion about Magistrates when they all knew I was innocent, and had not merited such infamie) that so the honour of the court might be maynetayned. This was all that any of them stood vpon ever I heard off. This large relation when I was once enterd vpon I could not forbeare for reasons aforesaid, now I leaue you to judge when you have heard all as you shall see cause.

But now I beseech you these 2 things. 1st that these things may be priuat: only where you shall see good cause: as to my Mother for her satisfaction to whom I cannot conveniently make a long relation: allso to others of wise frends. If you should heare I were by any traduced and abused, as some or at least one (for I haue not heard of more) hath much endeauoured to take my good name away here, in a kind of zeale to Mr. Wentrop: but the Lord forgive him and If Dr. Wright should heare ought and first enquire of you, I know not what intimation and communion their is betweene him and Mr. Wenthrop, but I do not passe, if need so be tho he see every tittle that I haue writt but not vnless there be cause.

2ly I beseech you lett none of these things trouble your nor any other godly mans spiritts concerning the place, or the persons and doings here, as I know persons vpon reports are sometimes strangly troubled, and incensed this way and that judging, to withdrawing affection to change resolutions and purposes: to change their minds and take vpp new thoughts possibly never to come here etc: for it is true we haue weaknesses and wants, and sinns committd by vs, and difference arise: who questions this? and how can it be otherwise. [*End of the manuscript.*]

[Endorsed:] A relation about Boston buysnesses in Lincolnshire.[13]

A relation concerning some occurrences in New England.

[13] Erased.

INSTITUTE OF HISTORICAL RESEARCH

MHS

Z. T. Hollingsworth

MEMOIR

OF

ZACHARY TAYLOR HOLLINGSWORTH

BY WILLIAM VAIL KELLEN

Zachary Taylor Hollingsworth was a descendant in the sixth generation of Valentine Hollingsworth, a member of the Society of Friends, who came with his family to America in 1682 in the company of William Penn. This Valentine, according to tradition, was born in Cheshire, England, about 1630 to 1640, and married Catherine Cornish, the daughter of Henry Cornish, that High Sheriff of London who was unjustly executed on October 23, 1685, during the reign of James II. The name was derived from holly, the shrub, and worth, a farm, the former figuring on the family arms in three holly leaves, vert, on a white bend upon an azure field. The crest is a "stag lodged" and the motto: *Disce ferenda pati.* Within a year of his arrival he obtained a patent from Penn for nearly a thousand acres of land in Brandywine Hundred, east of the Brandywine River, in New Castle County, Delaware. He stood high in the Quaker counsels, being from 1686 to 1710, the Superintendent of their Monthly Meetings. He became a Justice of the Peace, and was a Member of the Assembly from New Castle County for the years 1683, 1687, and 1695. From him all the Hollingsworths in this country, a numerous clan, have descended. These Hollingsworths have from the beginning formed a body of substantial, intelligent and prosperous citizens. They became mainly large landowners, solid merchants, and enterprising manufacturers. They had large families, lived well and married persons like unto themselves of

sound English stock. Only one outsider, Florent Sovency, a Huguenot, who "brought considerable wealth to America," appears to have married into the family. They remained in the main Quakers, but that did not prevent several of them from rendering effective service under Washington during the American Revolution. The daughters married well, several army men being among those so complimented.

From Delaware early in the eighteenth century members of the family began to migrate to Maryland whence they spread into Virginia and the Carolinas, one branch even to Louisiana. Zebulon, a grandson of Valentine, became a large land owner in Cecil County, Maryland, and was also President of the County Court. He apparently was the first to break away from the Friends Meeting when he became a member and a vestryman of St. Mary Ann's Church. He engaged with his son Levi in manufacturing flour, and was described as "kind and hospitable, a lover of toddy and good living." This Levi "was a man of energy, industry and decision of character," and the family "considered him the most perfect of the name." He removed to Philadelphia where he was elected Captain of the City Troop and served with it in the patriot army until the close of the Revolutionary War. He was a typical Hollingsworth. A grand-niece, the daughter of another Levi, his nephew, married William Pinckney White, Governor of Maryland from 1872 to 1875, United States Senator from 1875 to 1881, and Mayor of Baltimore in 1882 and 1883.

Zachary Taylor Hollingsworth, the subject of this sketch, descended from Thomas, the eldest son of Valentine, who was born in England and came with his father to Delaware, whence he moved to Winchester, Virginia. By his second wife, Grace Cook, he had a son of the same name who was born on December 23, 1698, died on September 1, 1753, and was buried at "William Farquhar's burying place, Pipe Creek, Maryland." This second Thomas married Judith Lampley, and their eighth child they named "Emmor or Amor." Valentine and Amor have since persisted as the characteristic names of the family. Amor was born on May 29, 1739, and died in 1826. He married Mary Chandler, and by her had seven children, of whom Mark was the

fourth. Mark was born on February 19, 1777, on the paternal estate bought from William Penn on the Brandywine River. Most of the Hollingsworths had remained in the South, but some had found their way West as far as the Ohio. Mark, who grew into a "large, strong, handsome man with dark hair and eyes, florid complexion," was the first to go North where he settled in the town of Milton, Massachusetts, on the Neponset River. Thus began the long and familiar association of the Hollingsworth name with that town and river, on the banks of which one of the family paper mills was built. Mark married a Tileston of Dorchester, Waitstill by name, on October 16, 1804, and to them were born eleven children. He died on February 27, 1855, at the ripe age of seventy-eight years. Mark and Waitstill named their third son and child, born on August 11, 1808, Amor, and he married Jane M. Robinson in 1834, and died in 1871. This Amor and Jane his wife, had four children, the eldest Amor L., who married Marian Davis and died, and Zachary Taylor, who was born on July 26, 1848, in Milton, and married Ida Hollingsworth, a kinswoman in Delaware.

Hollingsworths in the preceding generations had bent their energies towards making a living and achieving a competence. They were well-to-do farmers, enterprising merchants, successful manufacturers. They were likewise sturdy citizens, representative Quakers with some withdrawal to the Episcopal body, they had social standing, were the parents of large families, lived well and peaceably. Their records do not disclose any college graduates, few if any professional men, no politicians and no statesmen, save the husband of a female Hollingsworth.

Three Hollingsworths of the new generation, Zachary Taylor, Amor L., his elder brother, and Sumner, a cousin, as they became men and prospered greatly, all developed bookish tastes, which took the form mainly of collecting rare and historical prints and autographs, rare editions and bindings, and historical material, chiefly Americana.

Amor L. formed a notable library of rare books, "treasures" he called them in his will, including among others rare Americana, early printed books covering the classics, ancient chronicles, English and American first editions and

masterpieces of English literature. He was a sweet, genial, kindhearted gentleman. When he came to make his will, following the example of a great French collector Edmond de Goncourt, Amor said that he " felt, as others in the family had libraries of their own," referring to Zachary and Sumner, " his treasures, at his death, should be dispersed, in order that others might have the same opportunity he had had and feel the same pleasure he had felt in the acquisition of rare books in auction sales." Accordingly at his death all these " treasures," (Henry Stevens called them " nuggets "), were sold by auction, in accordance with the testator's directions and passed into the hands of other collectors.

The library of Sumner, rich in rare Americana, passed at his death by inheritance.

Zachary Taylor, not neglecting other books, was a collector of rare prints and autographs. His particular line was gathering of portraits of Washington from all countries, with every degree of merit. He did not know how many portraits of Washington, rare, curious and commonplace he had. He bought them as they turned up and put them away in cases; he never catalogued them. It would be interesting to see a " composite " picture of this unrivalled collection. He also collected Washington autographs, together with autographs of the Fathers of the Republic, including a complete set of the Signers of the Declaration of Independence and another set of early members of Congress, the latter including another set of the Signers so far as they were members of that body.

Zachary went first to school as a boy at the Milton Academy, and afterwards continued his education at the Chauncy Hall School in Boston. Leaving school he learned and prosperously pursued the business of making paper, with mills located on the Neponset River, Walpole, Massachusetts, and elsewhere. He formed the partnership of Hollingsworth & Vose in 1882, which in 1892 was incorporated as the Hollingsworth & Vose Company.

Zachary was like his grandfather, Mark Hollingsworth, a tall, finely proportioned man, with black hair, the keen eye of a hard headed business man; he was yet withal of a

genial and generous disposition. He was never so happy as in showing his treasures to his friends or for public exhibition by the Club of Odd Volumes, of which he was the Senior Member.

He was elected a member of this Society on April 9, 1914, and showed his interest in its welfare by giving $1000 to the building fund. He died in Boston, April 1, 1925, and is survived by two sons, Amor and Valentine.

INDEX

A.

Abolition, Sumner on, 196; Woodman, 319.
Accords-Puncta, 312.
Account of the Distances from Philadelphia, 315.
Acte d'Association, 310.
Adams, Charles Francis, home of, 286; services in England, 287, 393.
Adams, Charles Francis, Morton's *New England's Canaan*, 147, 156; Morton, 160; Massachusetts Railroad Commission, 242.
Adams, Charles Francis, finance committee, 377.
Adams, George Burton, death, 401.
Adams, Henry, and Lodge, 325, 327.
Agassiz medal, National Academy of Sciences, 2.
Aguinaldo, Emilio, 201.
Alaska boundary, 338.
Albenino, Nicolas de, Verdadera relacion, 304.
Alexander VI, bulla, 301.
Alexander, Richard, 182, 184.
Alfonce, Jean, Voyages auantureux, 304.
Algeciras conference, 344.
Allen, Gardner Weld, The Case of Captain Penny, 117.
Allen, Ira, Some Miscellaneous Remarks, 316.
Almeida, Ferdinando de, oration, 297.
Americana, photostat, 295; list, 297.
Amherst, Richard, 170, 179.
Anderson, Henry W., *Virginia Gazette*, 254.
Anderson, R. C., *Mayflower* model, 383.
Andrew, John Albion, Massachusetts senator, 393.
Annapolis Royal, 444.
Arias d'Avila, Pietro, Lettere, 302.
Armstrong, Robert, 444.
Army and Navy Gazette, proposed, 392.
Arnold, Benedict, Stimson's book on, 145.
Articles et Statvts, 310.
Atkins, Richard, 186, 188.
Auchmuty, Robert, writs of assistance, 7.
Australia, origin of ballot, 412.
Aves, Samuel, deposition, 53.

B.

Bacon, Nathaniel, 248.
Baker, John, deposition, 33.
Baker, Newton Diehl, on command in France, 389.
Ballard, John, deposition, 50.
Ballot, Australian, 401.
Bancroft, George, writs of assistance, 22.
Banks, Charles Edward, Thomas Morton of Merry Mount, 147.
Barber, Nathaniel, 30; depositions, 32, 56.
Barnes Tavern, 272.
Barnstable, trade, 426.
Barrons, ———, 429, 434.
Bartolus, 5.
Bass, Jeremiah, 444.
Bassett, John Spencer, paper, 385.
Batchelder, John Peirce, 215*n*.
Beadle, Richard, 171.
Beckley, John, 225.
Bell, James, 69.
Bell-Everett medal, 385.
Bellingham, Richard, 453, 456.
Belmont, Perry, on interference in command, 388.

Bernal, Jehan de, Lettres, 303.
Bernard, Francis, customs enforcement, 11.
Bethel, 2.
Binney, Charles C., 415.
Birchfield, ———, 430, 431.
Black Eagle, 118, 128, 129.
Blackburn, John, 430.
Blagrave, Daniel, 189.
Blagrave, Margaret (Miller), 150*n*, 186.
Blagrave, Richard, 150*n*; suit against Miller, 189.
Blaine, *Mrs.* James Gillespie, 145.
Blake, George Baty, on Massachusetts senator, 392.
Bland, Edward, Discovery of New Brittaine, 310.
Blechynden, Charles, 444.
Boer War, sympathy in, 333.
Bolton, Charles Knowles, memoir of L. Park, 2, 137.
Bonaparte, Charles Lucien Jules Laurent, Prince de Canino, Bonaparte's hair, 130.
Bonaparte, Napoleon, hair of, 130.
Bonus bill, Lodge's position, 363.
Boston, French embarkation, 277, 283; Union Club, 391; Elections, 402; customs district, 1768, 419; trade and navigation, 422; labor cost, 424; customs officers, 428.
Boutwell, George Sewall, on Cairo, 319; internal revenue stamps, 321.
Bowditch, Charles Pickering, Indian languages, 293.
Bowness, ———, fishing flies, 131.
Bradbury, *Mrs.* Frederick T., gift, 377.
Bradford, Gamaliel, paper on *Mrs.* J. G. Blaine, 145.
Bradford, William, on Thomas Morton, 147, 156.
Braintree, 425.
Brazier, ———, 430.
Brazil, 306, 307.
Bribery in elections, 404.
Brigham, Clarence Saunders, Resident Member, 1; committee on library, 237.
British Museum, "New England Courant" in, 386.
Brook Farm, account books, 1.
Brooks, Charlotte (Everett), 131.
Brown, Benjamin Gratz, on freedmen, 135.
Brown, Henry Y., 194.
Brown, James, 70.
Bruce, Sara, 158; in Morton's will, 163.
Bryan, John Stewart, *Virginia Gazette*, 254.
Buck, Howard Mendenhall, 117*n*.
Budde, Richard, 182.
Budeius, Stephanus. De Navigatione, 306.
Bunker Hill, Waller on, 84; feature, 112; Martin on, 201; material on, 390.
Burgoyne, John, invasion, 114.
Burlington, N. J., 444.
Burt, Benjamin, deposition, 55.
Butler, Peter, petition, 247.
Butler, Simon, 432.
Buzzards Bay, 427.
Byerly, Thomas, 444.

C.

Cabot, Sebastian, Declaratio chartae, 303.
Cadwalader, John, challenges Conway, 317.
Cairo, Ills., in 1862, 319.
California in 1850, 215.
Canada, 304.
Cape Breton, 315.
Carlile, Christopher, A Discourse, 306.
Carlile, province of, 158.
Carré, Ezechiel, Echantillon, 313.
Carter, William, 444.
Cartier, Jacques, brief recit, 304.
Case, James B., papers, 1.
Case, Louisa Williams, gifts, 1, 2.
Case, Marion Roby, gifts, 1, 2.
Case of the Heir at Law, 315.
Cerberus, 87.
Chamberlain, Joseph, on Australian ballot law, 413.
Chamberlain, Sir Thomas, 187, 188.
Chambers, William, 444.
Chandler, Mary, 460.
Chapin, Howard Millar, gifts, 1, 2.
Chaplin, Heman W., 406, 407.

Charles Edward Louis Philip Casimir, the Young Pretender, 210, 211.
Charlestown, trade, 425.
Charlewood, George, 159, 164.
Chase, Philip Putnam, gift, 215.
Chase, Samuel Portland, on legal tender, 197.
Cherokee, 216.
Churchyard, Thomas, poems, 305.
Cincinnati, Society of the, medal, 97.
Civil Service Reform, 402.
Clayton-Bulwer treaty, 333.
Cleveland, Rose Elizabeth, photograph, 2.
Cluston, ———, 46.
Cobb, Darius, painting of Revere House, 377.
Coddington, William, 312, 313; on Morton, 157.
Cod fishery, Point Shirley, 424.
Cohasset, trade, 425.
Collector of customs, Boston, 429.
Colombo, Christoforo, letter, 297, 298, 300; carta de privilegio, 300.
Colonial Society of Massachusetts, deposit, 215.
Comptroller of Customs, 430.
Concord, historical material, 390.
Congress and the executive, 348.
Connecticut, writs of assistance, 21; merchants' letter, 59.
Considerations touching the new contract, 309.
Continental Congress, return of papers, 250.
Conway, Thomas, cabal against Washington, 317.
Cook, Grace, 460.
Cooke, John, *alias* Edwardes, 171.
Coolidge, Archibald Cary, library committee, 377.
Coolidge, Calvin, Resident Member, 237, 249.
Cooper, Grey, on Malcom case, 73.
Coote, Richard, Earl of Bellomont, speech and replies, 314.
Copia di vna lettera di Sybilia, 303.
Copie de devx Lettres, 311.
Copie d'vne lettre, 306
Copeland, Patrick, 309.
Copley, John Singleton, portrait of Warren, 377.
Cornish, Catherine, 459.
Cornish, Henry, 459.
Cornwallis, Charles, defeat of, 115.
Cortés, Hernando, 302.
Cotton, John, negative voice, 453, 456.
Coventry, R. I., French at, 282.
Cravett, John, 180.
Crignon, Pierre, Description, 303.
Cross-staff, photograph, 2.
Crowe, William, 182.
Cudworth, Benjamin, 26, 40.
Cummings, Archibald, 430, 444.
Cunningham, Henry Winchester, announcing appointment of president, 97; house committee, 377.
Curtis, Catherine Scollay, 395.
Customs, commissioners of, letter, 64; forms used, 65, 69; American conditions, 418; officers, 429; fees, 438, 445; establishment, 444.
Cygnet, 58.

D.

Dallin, Cyrus Edwin, medal, 2.
Dalton, Henry Rogers, gift, 243.
Dalton papers, 243.
Dana, Richard Henry, French documents, 285; C. F. Adams at home, 286; Sir William V. Harcourt and the Australian Ballot Law, 401.
Danforth, Samuel, Astronomical Description, 312.
Dartmouth, trade, 427.
Dati, Giuliano, poem, 298.
Davenport, John, *rev.*, Penny's case, 125.
Davis, Anna Cabot Mills, 100.
Davis, Avis, *alias* Luce. 182.
Davis, John, Worldes Hydrographical Discription, 307.
Davis, Marian, 461.
Davis, William, 88.
Davis, William, of New York, 444.
Davis, ———, 430.
Davy, *Sir* Humphrey, fishing flies, 131.

Dawtey, *Sir* John, 178.
De Normandie, James, tribute to, 2.
De Witt, Alexander, 94.
Dilke, *Sir* Charles, on British elections, 409.
Dionysius, Situs orbis, 300.
Doane, Elisha, estate, 1.
Dolbeare, Benjamin, 132.
Douglass, William, map, 422.
Dowse, William Bradford Homer, house committee, 377.
Drake, Francis, West Indian Voyage, 306, 307.
Droughts in Massachusetts, 440.
Dudley, Thomas, governor, 449.
Dumas, Mathieu, on French embarkation, 277.
Durell, ———, letter on illicit trade, 61.
" Dutch Treat," Boston, 405.
Dutton, Francis S., Australian ballot, 413.
Duxbury, trade, 426.

E.

Eastham, 426.
Edict dv Roy, 311.
Edwards, Roger, 171, 173, 176.
Elizabeth, 70.
Elizabeth Islands, 428.
Ellis, Effie, gift, 1.
Ellis, Thomas, a true report, 305.
Emancipation of slaves, Woodman on, 323.
Emerton, Ephraim, Guelphs and Ghibellines, 5.
Endecott, John, 248, 447; defaces the banner, 450, 456, 457.
Endicott, William Crowninshield, committee to nominate officers, 237; Vice President, 401.
Espejo, Antonio de, New Mexico, 306.
Evelyn, Robert, A Direction for Adventvrers, 310.
Everett, Alexander Hill, Letter-books, 1.
Everett, Edward, 391; portrait by Staigg, 2; Napoleon's hair, 130.

F.

Falmouth, 427.
Fanny Lewis, 396.
Farlow, John Woodford, house committee, 377.
Farmer, Thomas, 444.
Farwell, John Whittemore, Resident Member, 201, 215; gift, 385.
Fees, customs service, 438, 445.
Fernandez Oviedo y Valdés, Gonzalo, Segunda parte, 304.
Ferrer, Jaime, Sentencias Catholicas, 304.
Fessenden, William Pitt, on Stanton, 322.
Fisheries, New England, 424.
Fleming, Sir Oliver, 248.
Florida, 304, 305, 306.
Folger, ———, 433.
Fontaine, Charles, La Description, 304.
Forbes, Allan, report as treasurer, 256; Marches and Camp Sites of the French Army in New England during the Revolutionary War, 267.
Forbes, John Murray, on army and navy journal, 391.
Forbes, William Cameron, shows Philippine and other objects, 201; library committee, 377.
Forbes family of East Hartford, 279.
Force bill, Lodge and, 329.
Ford, Worthington Chauncey, A Letter of Alexander Hamilton, 219; Tyndall's map of Virginia, 244; Ten years of the Photostat, 288.
Forms of customs papers, 65, 69.
Fox, George, Something in Answer, 312.
Frame, Richard, Short Description of Pennsylvania, 313.
France, Lee and the court, 221; marches and camp sites of French army, 267.
Frankland, *Sir* Henry, 429, 433.
Franklin, Benjamin, Whately-Temple affair, 91; on E. Quincy, 132.

Franklin, Henry, 431.
Freedmen, bill for, 135.
Freeman, Isaac, 2.
Frobisher, Martin, 305.
Frothingham, Paul Revere, paper on the Relations between Edward Everett and President Lincoln, 215; medal, 385.
Frothingham, Thomas Goddard, the Military Test of the Spontaneous American Revolution, 110; A Lesson from the Civil War, 388.
Fryer, Thomas, 164.

G.

Gage, Henry, viscount, 131.
Gardiner, Lion, Penny and, 118, 121.
Gardner, Ebenezer, 433.
Gardner, Francis, 396.
Gates, Horatio, in Conway's cabal, 317.
Gates, Sir Thomas, 307.
Gauger, customs service, 431.
Gay, Edwin Francis, Resident Member, 97, 201.
Gilbert, Humphrey, 306.
Gill, Moses, 194.
Godfrey, Edward, petition, 311.
Goodall, Baptist, Tryall of Travell, 309.
Goodridge, Sarah, Webster letters to, 145.
Goodwin, Benjamin, declaration, 46.
Gordon, Patrick, 315.
Gould, Daniel, brief narration, 314.
Grant, Ulysses Simpson, Rawlins and, 239.
Gray, Edward, memoir, 198.
Gray, Effie (Grindlay), 198.
Gray, Elizabeth (Story), 198.
Gray, John Chipman, 198.
Gray, William, 198.
Great Britain, treasury minute on Malcom, 73; great seal, 377.
Greenleaf, Stephen, at Malcom's house, 18, 47; declaration, 34.
Greenough, Catherine Scollay (Curtis), 395.
Greenough, Charles Pelham, death of, 145; memoir, 395.
Greenough, Chester Noyes, *Proceedings*, 377.
Greenough, David Stoddard, papers, 1.
Greenough, Mary Dwight (Vose), 400.
Greenough, William, 395.
Greenough, William Whitwell, 395.
Greepe, Thomas, The true and perfect Newes, 306.
Grey, William de, 22; opinion on writs of assistance, 21, 71.
Gridley, Jeremiah, writs of assistance, 7.
Grindlay, Effie, 198.
Guiana, 307; broadsides on, 309.
Guinea, 305.

H.

Haines, ———, *dr.*, 88.
Hales, Arthur, gift, 1.
Hale, ———, 429.
Hallowell, Benjamin, Jr., at Malcom's house, 18, 39; declaration, 26; on Malcom's case, 77; Boston Customs District, 419; comptroller, 430.
Hamilton, Alexander, Lodge and, 103; letter of, 219; Monroe and, 220, 223; ambition, 226; Washington and, 231; Riethmueller on, 235.
Hammond, John, Hammond *versus* Heamans, 311.
Hanatschek, Herman, portrait of A. Lord, 87.
Hancock, John, return of letter-books, 250.
Harcourt, Sir William Vernon, and the Australian Ballot Law, 401.
Harris, Samuel, deposition, 53.
Harrison, Fairfax, *Virginia Gazette*, 254.
Harrison, Joseph, Boston Customs District, 419, 429.
Harrod, Benjamin, deposition, 53.
Hart, Albert Bushnell, 215.
Hart, Francis Russell, committee to nominate officers, 237; report

of council, 250; finance committee, 377.
Harvard University, Instrumental Clubs, 2.
Harwich, 426.
Hats, in Massachusetts, 442.
Hawkins, John. A true declaration, 305.
Hay, John, treaties, 333, 338.
Hayes, Elihu B., ballot bill, 409.
Haynes, John, 456.
Healey, John, 246.
Heaman, Roger, Additional brief Narrative, 311.
Heathcote, Caleb, 444.
Higgons, Thomas, 185.
Hill, Clement Hugh, on C. F. Adams, 242.
Hill, James, 430, 436.
Hill, Jeremiah, 194.
Hill, William, 431.
Hilman, Thomas, 166.
Hingham, trade, 425.
Hoar, George Frisbie, on the Philippines, 332.
Holland, Orders and Articles, 308.
Hollingsworth, Amor, 460, 461, 463.
Hollingsworth, Amor L., 461.
Hollingsworth, Catherine (Cornish), 459.
Hollingsworth, Grace (Cook), 460.
Hollingsworth, Ida, 461.
Hollingsworth, Jane M. (Robinson), 461.
Hollingsworth, Judith (Lampley), 460.
Hollingsworth, Levi, 460.
Hollingsworth, Marian (Davis), 461.
Hollingsworth, Mark, 460.
Hollingsworth, Mary (Chandler), 460.
Hollingsworth, Sumner, 461.
Hollingsworth, Thomas, 460.
Hollingsworth, Valentine, 459, 463.
Hollingsworth, Waitstill (Tileston), 461.
Hollingsworth, Zachary Taylor, tribute, 249; memoir, 459.
Hollingsworth, Zebulon, 460.
Hollis, Thomas, 132.
Holmes, Abiel, papers, 249.
Holmes, Oliver Wendell, gift, 249.
Holten, ———, *captain*, 88.
Hooker, Thomas, 451, 456.
Hooper, Edward, 65.
Hopkins, Archibald, *Mrs.*, gift, 130.
Hopkins, Caleb, deposition, 50.
Hopkins, Charlotte Everett, gift, 130.
Hoskyn, Arthur, 187.
How, William, letter to Lowndes, 58.
Hudson, ———, 186.
Hudson's Bay Company, 314.
Hughes, Humphrey, 120.
Humphrey, Mary (Miller), 166, 169.
Humphrey, Thomas, 166; answer, 169.
Hutchings, Henry M., 269, 284.
Hutchinson, Foster, 28.
Hutchinson, Thomas, writs of assistance, 7.

I.

Ilsley, Enoch, customs seizure, 11*n*.
Indian trade, farming of, 388.
Ingersoll, Jared, 61*n*.
Ingheramius, Thomas, oration, 299.
International Review, 102.

J.

James I, proclamation on Roger North, 308.
Janzen, Dirck, 126.
Jarvis, Edward, deposition, 49.
Jeffreys, James, 65.
Jekyll, John, collector, 420, 429, 432.
Jekyll, John, Jr., 444.
Jekyll, Sir Joseph, 420.
Jenks, Robert D., 415.
Johnson, William, Relaçao, 316.
Jones, William, 70.
Jusserand, Jean Jules, farewell dinner, 249.

K.

Kay, Nathaniel, 444.
Keith, *Sir* William, 315.
Kellen, William Vail, 292; tribute

to Z. T. Hollingsworth, 249; tribute to A. Lord, 377.
Kemble, Thomas, deposition, 51.
Kenyon, *Sir* Frederic George, letter, 386.
Kingston, trade, 426.
Kinnicutt, Edith (Perley), 96.
Kinnicutt, Elizabeth Waldo (Parker), 93.
Kinnicutt, Francis Harrison, 93.
Kinnicutt, Lincoln Newton, memoir of, 93.
Kinnicutt, Roger, 93.
Kinnicutt, Roger, *dr.*, 96.

L.

Lafayette, Marie Jean Paul Roch Yves Gilbert de Motier, marquis de, letter, 286; portrait, 377.
Lake George, N. Y., battle of, 316.
Lallemant, Jérôme, Lettres envoiées, 312.
Lambart, ———, 430.
Lampley, Judith, 460.
La Salle, Antoine de, La Salade, 302.
Lathrop, John, *rev.*, MS. sermons, 249.
Laurens, John, and Hamilton, 219.
Lauwenzen, Lauwerens, 126.
Lauzun, Armand Louis de Gontaut, duc de, 276.
Lawrence, Elizabeth Bigelow, 138.
Le Challeux, Nicolas, A true and perfect description, 305.
Lee, Anne, 213*n*.
Lee, Arthur, Hamilton on, 221, 233.
Lee, George, 122.
Lee, Samuel, Catalogue of library, 313.
Lefavour, Henry, Resident Member, 401.
Legal tender, Chase on, 197.
Le Jeune, Paul, Brieve Relation, 309.
Leonard, Orville, gift, 1.
Leonard, Orville W., papers, 1.
Letter from a Gentleman of New York, 314.
Lettre d'un Habitant de Louisbourg, 315.
Lettre escrite de Cayenne, 311.
Lettres patentes dv Roy, 310.
Leverett, John, 312, 313.
Lexington, battle of, 111; material on, 390.
Liberty, 14.
Libretto De tutta La Navigatione, 299.
Lincoln, Samuel, 93.
Lincoln, Waldo, memoir of L. N. Kinnicutt, 93.
Lindsey, Benjamin Barr, 416.
Littera mandata, 301.
Lloyd, Rebecca, 133.
Lodge, Anna Cabot Mills (Davis), 100.
Lodge, Henry Cabot, gift, 2; tribute to, 97, 249; by J. T. Morse, Jr., 99; memoir, 324; early life, 325; reform leaning, 327; in Congress, 329; in Senate, 330; Panama canal, 334; Alaska boundary, 338; executive encroachment, 348; President Wilson, 351; world peace, 355; Versailles treaty, 357; bonus bill, 363; personality, 369; statement of service, 370; literature, 372; home life, 374.
Lord, Arthur, presides, 1, 97, 145, 201, 215; portrait, 87; president, 97; tribute to H. C. Lodge, 97; Indian captives, 214; tribute to, 377.
Louisbourg, letter from, 315.
Loyalty Vindicated, 314.
Lucas, Frederick, 235.
Lucas, Samuel, 235.
Ludd, Gualter, Speculi Orbis, 300.
Ludlow, Roger, 453, 455, 456.
Lyde, George, 430.
Lynch, John Roy, convention of 1884, 328.
Lynn Bay, 425.

M.

McClellan, George Brinton, 321, 322.
McHenry, James, poem, 221, 236.
McIlwain, Charles Howard, committee on library, 237.
Mackay, William, conduct at Mal-

com's house, 17, 26, 78; deposition, 43.
Maine, separation from Massachusetts, 194; Godfrey's petition, 312.
Malcom, Daniel, and writs of assistance, 5; house and career, 14, 46*n*; conduct, 17; declaration, 39.
Manuscripts in Europe, photographing, 252; photostating 292.
Maps of individual colonies and states, 251; Winsor's scrapbooks, 294.
Marion, Conn., French army at, 272.
Marivault, island of, 310.
Marrs, *Mrs.* Kingswill, gift, 2.
Marshfield, trade, 425.
Martha's Vineyard, Morton's claim, 158, 163; trade, 428.
Martin de Valencia, Passio, 303.
Martin, *rev.* John, on Bunker Hill, 201.
Maryland, Hammond-Heaman controversy, 311; Law concerning Religion, 313.
Masons, Royal Arch, pennies, 2.
Massachusetts, has forfeited charter, 76; Bellomont speech, 314; ballots and ballot law, 403; objections, 414; manufactures, 1768, 438; assistants and magistrates, 447, 454; deputies or representatives, 448; negative vote, 449, 451, 453.
Massachusetts Historical Society, annual committees, 237; report of council, 250; publications, 250; photostat, 253; Americana, 253; report of treasurer, 256; librarian, 264; cabinet-keeper, 266; officers, 266; president, 377; finance committee, 377; library committee, 377; on *Proceedings*, 377; house committee, 377; income trust fund, 377; exhibition, 390.
Massachusetts Mechanic Association, 1.
Massachusetts Normal Art School, medal, 1.
Matthews, Albert, library committee, 377.
Matthews, Nathan, committee on library, 237.
Maximilianus, De Molvccis, 302.
Mayflower, model of, 383.
Mayhew, Jonathan, on E. Quincy, 132.
Medina, José Toribio, Honorary Member, 1.
Memoire pour servir, 311.
Merriman, Roger Bigelow, reads letter, 215.
Metcalf, Charles T. S., 2.
Mexico, policy toward, 348.
Michell, Sir John, 190.
Mifflin, Thomas, in Conway cabal, 317.
Miller, Abigail, 191, 192.
Miller, Alice, 150, 155, 164, 165, 169, 189; marries Morton, 153, 159, 165*n*, 171, 175, 186.
Miller, Ann, 165.
Miller, Dorothy, 165.
Miller, Elizabeth, 150*n*.
Miller, George, of Swallowfield, 150; will, 164, 165.
Miller, George, Jr., 150, 164; relations with Morton, 151; with his mother, 151; wife, 153, 172, 177; character, 154; disorderly conduct, 155, 192; executor, 165; suit against Morton, 171, 185; Blagrave's suit, 189.
Miller, Joan, 165.
Miller, Leonard, 165, 192.
Miller, Margaret, 150*n*, 165, 189.
Miller, Mary, 165.
Miller, Prudence, 165.
Miller, Robert, 165, 188.
Miller, Susan, 165, 189, 190, 191.
Milles, Edmond, 158; will, 159.
Milles, Margaret (Trember), 159.
Milles, Tobias, 158; in Morton's will, 163.
Milton, 425.
Minot, Christopher, 431, 436.
Minot, Joseph Grafton, memoir of E. Gray, 198.
Mitchell, Nahum, on Philip's wife and son, 214.
Monroe, James Hamilton, on, 220, 223; doctrine, 333.

Monti, Luigi, consul, 317.
Moore, Charles, on return of Continental Congress record, 250.
Moore, George Foot, paper on Jewish charities in Galilee, second century, 237; presides, 267, 377, 401; president, 377.
Morgan, Joseph, The Nature of Riches, 315.
Morgann, Maurice, on state of America, 74.
Moriarty, George Andrews, on Winthrop, 446.
Morris, Lewis, Speeches, 315.
Morse, John Torrey, Jr., tribute to H. C. Lodge, 99.
Morse, Robert McNeil, 397.
Morton, Alice (Miller), *see* Alice Miller.
Morton, John, archbishop, seal, 160, 161.
Morton, Richard, 149.
Morton, Richard, of Shropshire, 161.
Morton, Thomas, of London, 149, 161.
Morton, Thomas, of Merry Mount, 147; family history, 149; chancery suit, 149, 165; marriage, 153, 159, 171, 175, 186; in New England, 154, 156; murder charge, 156; property in New England, 157; connections, 158; seal, 160; will, 163.
Motchet, John, deposition, 50.
Motley, Maria Davis, 139.
Motley, Thomas Lawrence, 139.
Muhlenberg, Frederick Augustus Conrad, 223.
Murdock, Harold, letter on Bunker Hill, 84; Remarkable Story of the Rev. John Martin, 201; committee on accounts, 237, 264.
Musgrave, W., 65.

N.

Nantasket, 425.
Nantucket, trade and whale fishery, 428, 434; preventive officer, 432.
National Review, see International Review.
Nelson, Richard, 87.
Netherlands, the, relations with England, 118.
New Albion, 310.
New Britain, 310.
New England, governor for, 162.
New England Courant, reproduction, 255; in British Museum, 386.
Newfoundland, 444.
New Hampshire, ballot law, 411, 413.
New Jersey, in 1677, 193; Morris' speech, 315.
New London, Conn., customs practice, 58.
Newman, Francis, 125.
New Mexico, 306.
Newport, Christopher, 307.
Newton, Hibbert, 444.
Newton, Thomas, 430, 444.
New York, ballot law, 410, 416.
Nicholl, John, An Houre Glasse, 307.
Nichols, Charles Lemuel, Pynchon letter, 386.
Nichols, William, 35; depositions, 31, 57.
Norcross, Grenville Howland, gifts, 145, 386; presides, 237, 249; notes on C. F. Adams, 242; report of cabinet-keeper, 266; finance committee, 377.
Norrises of Ridgefield, Conn., 273.
North, Roger, proclamation on, 308.
North American Review, Lodge, editor, 326.
Norton, Charles Eliot, letters of Sumner, 135.
Noticia certa da grande Batalha, 316.
Noticia Verdadeira, 316.
Noue de le Isole, 302.
Nouuelles certaines, 303.
Nuñez, Pero, Tratado da sphera, 303.

O.

O'Connell, William, Cardinal, incident at investiture, 3.
Of the newe landes, 302.
Olin, William Milo, 415.

Ordannances, Privileges, 309.
Ordinance of the Lords and Commons, 310.
Otis, James, writs of assistance, 8; Bernard on, 15*n*; Morgann on, 76.

P.

Paige, Harriette (Story), journal, 199.
Panama, Isthmus of, crossing, 216; canal, Lodge's position, 333; negotiations in London, 334.
Park, Charles Edwards, tribute to Dr. De Normandie, 2.
Park, Elizabeth Bigelow (Lawrence), 138.
Park, John Gray, Jr., 138.
Park, Lawrence, memoir, 137.
Park, Maria Davis (Motley), 139.
Park, Stuart James, 137.
Park, William, 137.
Parker, Elizabeth Waldo, 93.
Parker, Francis Edward, on C. F. Adams, 243.
Parker, John Harleston, medal, 2.
Parker, Theodore, 196.
Parmentier, Jean, Description, 303.
Patrickson, ———, 450.
Patronage, Sumner on, 136.
Paxton, Charles, 16, 430.
Peace, World, Lodge on, 353.
Peagram, ———, 432.
Pearman, Robert Horne, 289.
Pearson, Henry Greenleaf, Campaigning with Hanna, 418.
Peirce, John Batchelder, letter, 215.
Pell, John, *rev.*, 121*n*.
Pell, Thomas, 120*n*.
Penn, William, Brief Account and Information, 313.
Pennington, J., 65.
Pennsylvania, account and map, 313.
Penny, John, *captain*, case of, 117.
Perley, Edith, 96.
Perley, Ira, 96.
Pershing, John Joseph, *general*, maps, 201; command in France, 388.
Perth Amboy, 444.
Peru, 304.
Pesumsca Falls, 163.
Pesumskegg River, 163.
Pew, ———, 430.
Pewter Mug Club, Boston, 138.
Philadelphia, distances from, 315.
Philip's wife and son, sale of, 214.
Philippine Islands, map in jewels and metals, 201; Lodge's position, 332.
Phipps, John, complaint against George Miller, 155, 192.
Photostat, ten years of the, 253, 288.
Pigeon, John, 18, 45; deposition, 54.
Pigghe, Albert, 301.
Piracy, trials for, 314.
Piscataqua, 444.
Plymouth, Arthur Lord and, 379; trade, 425; preventive officer, 435.
Poole, Edmond, 87.
Poole, Elizabeth, letter, 88.
Poole, Henry, of London, will, 87; passage to America, 88.
Poole, Henry, Jr., 87.
Poole, Robert, 87.
Porter, Fitz John, 391.
Porter, Horace, campaign services, 418.
Potash, colonial trade, 132.
Pownall, Thomas, on American courts of exchequer, 25*n*.
Pratt, Henry Cheever, portrait of Lafayette, 377.
Preventive officers, customs service, 432, 437.
Prevost, Theodosia, 230.
Privateers, in Revolution, 116.
Providence, R. I., French army at, 270, 282.
Providence, 69.
Provincetown, 426.
Provinciae sive Regiones, 301.
Puritan purse, 447.
Pynchon, William, letter, 386.

Q.

Quakers, 314.
Quincy, Edmund, letters, 131.
Quincy, Samuel, monody, 133.

R.

R., T., Letter to the Common People, 316.
Ranlett, Lewis Felix, gift, 201.
Rastel, John, A new interlude, 301.
Raymond, Richard, 118, 124, 125.
Relaçam do Combate, 315.
Relaçam verdadeira, 304, 315.
Revere, Paul, deposition, 52; house, 377.
Revolution, American, military test, 110.
Rhode Island, currency, 316; customs, 420, 444.
Ribaut, Jean, voyage, 305.
Rich, Robert, earl of Warwick, 310.
Rich, Robert, Newes from Virginia, 307.
Richards, John, case of Penny, 120.
Richardson, Ebenezer, 13, 20, 47.
Riche, Robert, 170.
Riethmueller Christopher James, on Hamilton, 235.
Roberts, Henry, Lancaster his Allarums, 307.
Robin, Claude C., on camp life, 275.
Robinson, *Mrs.* Douglas, on Lodge, 361, 374.
Robinson, Jane M., 461.
Robinson, John, A Manumission, 308.
Rochester, trade, 427.
Roebuck, 117, 130.
Rolfe, John, 444.
Romney, 14.
Roosevelt, Theodore, Lodge and, 328, 332, 344, 350, 369; convention of 1908, 342; Algeciras conference, 344; on the courts, 345.
Rose-Troup, *Mrs.,* Stoughton letter, 446.
Ruddock, John, 19, 28, 36; deposition, 29.
Rust, Enoch, declaration, 48.

S.

Salem, 444.
Sandwich, trade, 426.
Santo Domingo, Spaniards at, 247.
Savage, James, 448, 449.
Sayles Tavern, Providence, 283.
Schaff, Morris, James H. Wilson, 237.
Scituate, trade, 425.
Scott, John, 121, 125.
Scott, Nicholas, 118, 120*n.*
Scott, Philip, 120*n,* 125.
Seall, Robert, A Commendation, 305.
Searcher, customs service, 430.
Senate and treaties, 331.
Sewall, David, letter to Thatcher, 194.
Shakers, at Watervliet, N. Y., 213.
Shattuck, Frederick Cheever, reads letters, 145; gift, 237.
Sheaffe, William, 431, 436; declaration, 26.
Sheep in Massachusetts, 440.
Shipbuilding, Boston, 424.
Silsby, T. Julien, 2.
Silver, free coinage of, 331.
Silver Lane, East Hartford, 279.
Slaves, southern, in war, 319.
Smith, John, *True Relation,* 245.
Sovency, Florent, 460.
Sparke, Michael, Greevous Grones, 308.
Spectacle Island, deed, 237.
Sprague, Henry H., ballot law, 406, 410, 411.
Staigg, Richard Morrell, portrait of E. Everett, 2.
Stamp act, Morgann on, 75; internal revenue, 321.
Standberger, Nicholas, 189.
Stanton, Edwin McMasters, in office, 322; war material, 391.
Stevens, John Austin, Jr., war publicity, 391.
Stevenson, Thomas Greely, 391.
Stewart, Duncan, 58, 59.
Stickers for ballots, 404.
Stickney, John, Plymouth and, 381.
Stiles, Ezra, and *Rev.* John Martin, 201.
Stimson, Frederick Jesup, 24*n;* gift, 145.
Stoddard, ———, 19, 28, 36.
Storer, Malcolm, curator of coins, 267.

Story, Elisabeth, 198.
Story, Joseph, 198.
Stoughton, Israel, letter, 1635, 446; on negative voice, 453; punished, 456.
Stoughton, John, 446.
Stutely, Thomas, voyage to Florida, 305.
Stuyvesant, Peter, Penny and, 122, 130.
Sumner, Charles, letters to C. E. Norton, 135; presidential candidates, 135; on politics, 195; consular appointment, 317.
Sun, the, Croydon, 188.
Surveyor, customs service, 430.
Swallowfield, Miller's lands, 179.
Swarten Arent, see Black Eagle.
Syllacius, Nicolas, De Insulis, 298.

T.

Taisnier, Jean, A very necessarie and profitable Booke, 306.
Temple, John, affair with Whately, 89.
Temple, John, 433, 435; letter, 64.
Tennessee, 215.
Texas, invasion of, 318.
Thacher, Oxenbridge, writs of assistance, 7, 8; Considerations on Gold Coins, 316.
Thacher, Peter, on Bunker Hill, 209.
Thatcher, George, 194.
Tide Surveyor, customs service, 430, 437.
Tidesmen, customs service, 432.
Tileston, Waitstill, 461.
Tilney, Richard, 170, 174, 180.
Titcombe, Michael, 171, 173, 178.
Tobacco, contract for, 309.
Toker, Giles, 178.
Tompson, Benjamin, New England's Crisis, 312.
Tomson, James, 71.
Tozzer, Alfred Marston, Resident Member, 215.
Treaties and Senate, 331.
Trember, Margaret, 159.
Trials of Eight Persons for Piracy, 315.
Trve Relation, 309.
Truro, 426.
Tuberculosis Congress, 1908, medal, 2.
Tudor, John, 28, 56; declaration, 30.
Turner, Charles Willard, pin, 2.
Turner, Frederick Jackson, Corresponding Member, 97, 145.
Turner, Lewis, deposition, 80; waiter, 431.
Tuttle, Julius Herbert, 268; acting secretary, 215; report of librarian, 266.
Tyler, Moses, deposition, 49.
Tyndall, Robert, map of Virginia, 244, 252.

U.

Unity, 70.

V.

Vanderbilt, 396.
Van Rensselaerswijck, orders, 310.
Venable, Abraham B., 223.
Venezuela boundary question, 330.
Vera Relatione, 307.
Vermont, 316.
Versailles treaty, Lodge on, 357.
Vespuccius, Americus, Novus Mundus, 299.
Vincent, Ambrose, deposition, 80; waiter, 431.
Virginia, 307; Tyndall's map, 244, 252; Council for, 308, 309.
Virginia Gazette, reproduction of, 254.
Vose, Henry, 400.
Vose, Martha Barrett Ripley, 400.
Vose, Mary Dwight, 400.

W.

Waiters, customs service, 431.
Wakefield, Julius R., gift, 249.
Waldseemüller, Martin, Instrvctio, 301.
Waller, J., letter on Bunker Hill, 84.
Waller, Jacob, 85.
Waller, John, *lieut.,* 84.

Waller, Thomas, 171.
Walley, Samuel Hurd, 197.
Walton, Perry, 269.
Ward, Nathaniel, 456.
Ware, ———, 430.
Wareham, trade, 427.
Warham, John, negative voice, 453.
Warren, Charles, Jusserand dinner, 249.
Warren, Ephraim, letter to Henry Warren, 193.
Warren, Henry, 193.
Warren, John Collins, committee to nominate officers, 237.
Warren, Joseph, Copley's portrait, 377.
Warren, Winslow, 385; gift, 97; memoir of C. P. Greenough, 145, 395.
Washburn, Charles Grenfill, memoir of H. C. Lodge, 324.
Washington, George, woven portrait, 2; Lodge's Life of, 105; Hamilton on, 227, 231; military family, 227; letter on cabal, 317.
Watkins, *Mrs.*, 230.
Watson, Thomas, 245.
Webber, Thomas, 88.
Webster, Daniel, letters to Miss Goodridge, 145.
Weigher, customs service, 431.
Welde, Thomas, 88.
Wells, Thomas, 171, 173, 178.
West Barnstable Congregational Church, records, 1.
West India Company, Dutch, 308, 309; French, 309, 310, 311.
West Indies, trade with, 423.
Weymouth, 425.
Whale fishery, 427, 428, 434.
Whately, William, affair with Temple, 89.
White, William Pinckney, 460.
Whittier, John Greenleaf, letter to Lodge, 329.
William, 71.
Williams, Roger, Answer to a Letter, 313.
Wilson, Henry, senator, 392.
Wilson, James Harrison, 237.
Wilson, Sarah, *alias* Bruce, 159, 164.
Wilson, Woodrow, Mexican policy, 348; Lodge on, 349, 351.
Wimble, William, 30, 36; depositions, 32, 57.
Winchcombe, Elizabeth (Miller), 150.
Winchcombe, Henry, 150.
Windham, Conn., French army at, 270, 280.
Winslow, Edward, on Morton, 157.
Winslow, Edward, preventive officer, 435.
Winsor, Justin, maps, 294.
Winthrop, Clara Bowdoin, gift and deposit, 146, 390.
Winthrop, Frederic, house committee, 377.
Winthrop, John, on Thomas Morton, 147; Stoughton's letter, 446; election as governor, 447; negative voice, 453.
Winthrop, John, Jr., case of Penny, 120, 125.
Winthrop portraits, busts and relics, 146; exhibition, 390.
Wolkins, George Gregerson, Daniel Malcom and Writs of Assistance, 5; gift of Webster letters, 145; committee on accounts, 237, 264; Boston Customs District in 1768, 418.
Wollaston, ———, *captain*, 156.
Woodman, Horatio, letter to Andrew, 318; correspondence, 391.
Woods Hole, 427.
Woodward, William, 164.
Wool raising in Massachusetts, 440.
Woonasako, 95.
Wright, ———, 454, 458.
Writs of assistance, 443; Malcom and, 5; depositions, 16; British attorney-general on, 71.

Y.

Yarmouth, 426.
Yeaman, Shute Shrimpton, accounts, 1.